



អង្គជំនុំជម្រះវិសាមញ្ញក្នុងតុលាការកម្ពុជា

Extraordinary Chambers in the Courts of Cambodia

Chambres Extraordinaires au sein des Tribunaux Cambodgiens

**ព្រះរាជាណាចក្រកម្ពុជា
ជាតិ សាសនា ព្រះមហាក្សត្រ**

Kingdom of Cambodia

Nation Religion King

Royaume du Cambodge

Nation Religion Roi

អង្គជំនុំជម្រះសាលាដំបូង

Trial Chamber

Chambre de première instance

TRANSCRIPT OF TRIAL PROCEEDINGS

PUBLIC

Case File N° 002/19-09-2007-ECCC/TC

30 August 2016

Trial Day 447

ឯកសារដើម

ORIGINAL/ORIGINAL

ថ្ងៃ ខែ ឆ្នាំ (Date): 19-Apr-2018, 09:42

CMS/CFO: Sann Rada

Before the Judges: YA Sokhan, Presiding
Claudia FENZ
Jean-Marc LAVERGNE
THOU Mony
YOU Ottara
Martin KAROPKIN (Reserve)
NIL Nonn (Absent)

The Accused: NUON Chea
KHIEU Samphan

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Dale LYSAK
SENG Leang

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List of Speakers:

Language used unless specified otherwise in the transcript

Speaker	Language
Ms. CHEA Dieb (2-TCCP-286)	Khmer
Mr. DE WILDE D'ESTMAEL	French
Judge FENZ	English
The GREFFIER	Khmer
Ms. GUIRAUD	French
Ms. GUISSE	French
Mr. KONG Sam Onn	Khmer
Mr. KOPPE	English
Mr. LIV Sovanna	Khmer
Mr. LYSAK	English
The President (YA Sokhan)	Khmer
Mr. SENG LEANG	Khmer
Mr. SENG Soeun (2-TCCP-219)	Khmer
Ms. SIN Soworn	Khmer

1

1 P R O C E E D I N G S

2 (Court opens at 0900H)

3 MR. PRESIDENT:

4 Please be seated. The Court is now in session.

5 Today, the Chamber continues to hear the remainder of Seng

6 Soeun's testimony, and begins hearing testimony of another civil

7 party, that is, 2-TCCP-286.

8 Mr. Em Hoy, please report the attendance of the parties and other

9 individuals to today's proceedings.

10 THE GREFFIER:

11 Mr. President, for today's proceedings, all parties to this case

12 are present.

13 Mr. Nuon Chea is present in the holding cell downstairs. He has

14 waived his right to be present in the courtroom. The waiver has

15 been delivered to the greffier.

16 The civil party who is to conclude his testimony that, that is,

17 Mr. Seng Soeun, is present in the courtroom.

18 We also have a reserve civil party today, namely, 2-TCCP-286.

19 Thank you.

20 [09.01.46]

21 MR. PRESIDENT:

22 Thank you. The Chamber now decides on the request by Nuon Chea.

23 The Chamber has received a waiver from Nuon Chea, dated 30th

24 August 2016, which states that due to his health, that is,

25 headache, back pain, he cannot sit or concentrate for long and in

2

1 order to effectively participate in future hearings, he requests
2 to waive his right to be present at the 30th August 2016 hearing.
3 He advises that his counsel advised him about the consequence of
4 this waiver, that in no way it can be construed as a waiver of
5 his rights to be tried fairly or to challenge evidence presented
6 to or admitted by this Court at any time during this trial.
7 Having seen the medical report of Nuon Chea by the duty doctor
8 for the accused at ECCC, dated 30th August 2016, which notes that
9 Nuon Chea has a chronic back pain and feels dizzy when he sits
10 for long and recommends that the Chamber shall grant him his
11 request so that he can follow the proceedings remotely from the
12 holding cell downstairs. Based on the above information and
13 pursuant to Rule 81.5 of the ECCC Internal Rules, the Chamber
14 grants Nuon Chea his request to follow today's proceedings
15 remotely from the holding cell downstairs via an audio-visual
16 means.

17 [09.03.25]

18 The Chamber instructs the AV Unit personnel to link the
19 proceedings to the room downstairs so that Nuon Chea can follow.

20 That applies for the whole day.

21 The Chamber now hands the floor to the defence team for Nuon Chea
22 to continue putting further questions to the civil party.

23 You have the floor.

24 QUESTIONING BY MR. KOPPE:

25 Thank you, Mr. President. Good morning, Your Honours. Good

3

1 morning, counsel. Good morning, Mr. Civil Party.

2 Q. Yesterday, we stopped when we were discussing the matter of an
3 investigation that you denied having taken part of in
4 investigating people who were hiding rice for Vietnamese troops.

5 Let me follow up on this.

6 Were you ever involved in other investigations, investigations of
7 people who were accused of having done things?

8 [09.04.50]

9 MR. SENG SOEUN:

10 A. When I arrived in Kratie province -- and as I said, I didn't
11 stay there for the whole month. It was like four more days in
12 order to be a month that I stayed in Kratie. And I, myself, was
13 not aware of what you raised. As I said, my sole task at the time
14 was -- with instructions from Meas Muth was to gather forces who
15 fled from the <Cambodian-Vietnamese> border area, that is, from
16 Snuol.

17 Q. Were you ever involved in the arrest of people? Did you ever
18 arrest anyone yourself?

19 A. I, myself, never arrested anyone. I did not have any
20 responsibility for the arrest of anyone. I was in charge of
21 <making the 100-list> for the district.

22 Q. Yesterday, you spoke about events that took place at -- or on
23 Kaoh Kor. Do you know a person in relation to events on Kaoh Kor
24 called Cheam? I'm not sure if I pronounce it well. Cheam. Do you
25 know him?

1 [09.06.50]

2 A. At that time, I did not have that authority, but I was
3 curious. I want to see the location where people were sent to be
4 executed at Kaoh Kor, so I went there without the knowledge of
5 the district committee. And after I saw what happened, I left and
6 I did not go there anymore.

7 And I did not know people who were there or their names. I only
8 knew, when I was there, I saw people were detained and, actually,
9 a person asked for a cigarette from me and I gave it to him. And
10 as I said, later on, I left the island. <After that I was
11 transferred to Kratie.>

12 Q. But my question was very concrete. Did you know a person who
13 was somehow involved in the events at Kaoh Kor named Cheam?

14 [09.08.07]

15 A. I went there for one time only, but I cannot recall the names
16 of those who were arrested and detained there. As I said, I went
17 to that location for one time only.

18 Q. Just to make sure that I don't mispronounce the name, I will
19 ask my national colleague to pronounce the name for you.

20 MR. LIV SOVANNA:

21 Mr. President, allow me to read it. The name is Cheam.

22 BY MR. KOPPE:

23 Q. So my question, do you know him?

24 MR. SENG SOEUN:

25 A. I am not sure about that name. There was one person whose name

5

1 I cannot recall and who was the <commune> committee who was
2 arrested and sent there. When I saw him, he asked me for a
3 cigarette. But I cannot recall his name.

4 And when I was there, as I said, he asked for a cigarette. I gave
5 it to him. Later on, I left and I went to see the person who was
6 in charge of Kaoh Kor and, later on, I left the island.

7 [09.09.54]

8 Q. Well, Mr. Civil Party, let me see if I can refresh your memory
9 a bit.

10 In your DC-Cam interview, E3/5643, you say the following on page;
11 English, ERN 00753898; Khmer, 00059404; and French, 00756648.

12 "Every -- it was so miserable at Kaoh Kor", you say.

13 And then the question is, "Who was in charge there at the time?"

14 And then you answer, "It was A Cheam at that time, but later on,
15 I arrested him."

16 Question: "Oh, you arrested him."

17 Answer: "I arrested A Cheam."

18 Question: "What did he do wrong?"

19 Answer: "He made up confessions. He just wrote this person was
20 connected to this person, but after investigations, we found that
21 he had arrested many people, so he was arrested."

22 And then it goes on for a little bit.

23 So Mr. Civil Party, does that refresh your memory?

24 [09.11.35]

25 A. Yes, I recall him now. I was instructed by the district

6

1 committee. Together with a district military commander, I pointed
2 a gun at A Cheam while the commander of the district military
3 tied him up. And I asked why he was arrested. Then the district
4 committee said that he made up confessions.

5 People did not know some events and then he made up the
6 confessions and, as a result, some people were arrested.

7 And yes, I recall the parts that you just read out.

8 Q. But the answer says that you, yourself, arrested him. You're
9 now saying that you were somehow part of the act of the arrest,
10 but which one of the two is it? Were you the one who was
11 arresting him?

12 A. I said that I pointed the gun and the arrest took place at the
13 same time. And that was on the order from the district committee.
14 After he was tied up, he was put into a vehicle and left, and I
15 did not know what happened to him. That's all I can say regarding
16 this event.

17 [09.13.30]

18 Q. So, I understand that you were involved in the arrest of
19 cadres. Were you also in the position to be able to release
20 families or people who had been arrested?

21 A. I did not release any detainee, no. And I only involved in
22 this one event, that is, the arrest of the chief of the prison. I
23 did not have such authority, and that was the only time of arrest
24 that I participated in with the order from the district
25 committee.

7

1 Q. Well, let me again see if I can refresh your memory a little
2 bit, Mr. Civil Party.

3 In your DC-Cam interview, you say the following on English, ERN
4 00753855; Khmer, 00059350; and French, 00796598(sic). You talk
5 about an alleged plan to smash ethnic Vietnamese and ethnic
6 Chinese, and then you say, and I quote:

7 [09.15.22]

8 "I managed to release a few families in the case that the wife
9 was Chinese and the husband was Cambodian. When a wife was taken
10 to be killed and her husband came to me and asked for
11 intervention, I took the name of the person and wrote it in a
12 letter and sent it to the commune. I managed to help three or
13 four families." End of quote.

14 Does that refresh your memory?

15 A. That is true. However, I did not release the people who had
16 been detained. The thing is, the husband was a soldier in the
17 S'ang district and I did not know about the wife, whether she was
18 a pure race or not. She came and cried to me and begged me to
19 help her husband. And I wanted to see the names of the list
20 provided from various communes, and I asked her to read the
21 names. She checked the names and she found it. Then I wrote a
22 letter for her to carry to the commune so that the commune would
23 not arrest her husband. And this is separate from what you said,
24 that people had been detained and I went to release them.

25 There was another event involving a car mechanic at the district,

8

1 and with the order from the district committee, <Phon,> I wrote a
2 letter to the commune where the parents of the car mechanic
3 resided so that they would not be arrested by the commune chief.
4 And I did write the letter and they were not arrested. <Later on,
5 I was transferred to Kratie.>

6 [09.17.34]

7 Q. Mr. Civil Party, let's not go into the details too much, but
8 somehow you were involved in the release of a few families.
9 Somehow you were in the position to be involved in this. You were
10 involved in the arrest of a relatively high-ranking cadre, Cheam.
11 Are you sure that you were never instructed to investigate the
12 case of people hiding rice for Vietnamese troops?

13 A. I did not know about the hiding of rice. Regarding the letters
14 that I wrote to instruct the commune chiefs not to arrest the two
15 families, I can recall it <now>. And that -- thanks to your
16 reading of the excerpts to refresh my memory, I wrote the letters
17 so that they would not be arrested and sent to Kaoh Kor.

18 [09.19.05]

19 Q. Mr. Civil Party, Khmer people, Khmer Communists who went in
20 the fifties and sixties to Vietnam, are you aware of those
21 people? And if yes, did you have a special name for them?

22 A. I cannot recall anything regarding what you said. When I was a
23 soldier, I was not aware of that. And later on, I became disabled
24 and I still did not know about those people. I only remained
25 living and working at the office.

9

1 Q. Well, let's see if that is correct. Let me see if I can
2 refresh your memory again, Mr. Civil Party. E3/5643. That's the
3 DC-Cam interview. This time English, ERN 00753826; Khmer,
4 00059318; French, 00756569. You were asked questions about Ya,
5 former chief of the Northeast Zone. And then you say the
6 following:

7 [09.21.02]

8 "However, I did not know his deputy. The sector secretary at the
9 time was very mixed up. The ones from Hanoi from the north were
10 selected. They were called Ta Hanoi at the time."

11 "Ta what?", question. And then you answer:

12 "Ta Hanoi. Ta Hanoi. It referred to the Khmer people whom the
13 "Yuon" Hanoi selected for indoctrination before 1940 or '45.
14 Afterwards, those people were allowed to come back, but some
15 became sector secretary, while some others became sector deputy
16 secretary. They were mixed up together in all provinces
17 throughout the country." End of quote.

18 Do you now recall what you said to DC-Cam about these people whom
19 you called Ta Hanoi?

20 [09.22.17]

21 A. Thank you, Counsel. I recall it, and I had a pity for him. At
22 that time, I was in charge of the handicapped office in Takeo
23 sector. At that time, he did not meet with his wife and he did
24 not have any role since he came from the north part of Vietnam.
25 There was a sector representative coming down, and Ya told me to

10

1 take him. He bid farewell and he took a K59 pistol and handed to
2 me that -- and he said that that was the end of his life before
3 he left. And I did have great pity for him and I considered him
4 -- considered him as my elder brother.

5 Q. This person that you speak about, were you asked by anyone to
6 arrest him and to execute him?

7 A. I did not know who. However, the chief of the handicapped
8 office told me to meet him and to wait for him. After I handed
9 him over to the people there, I returned. So I did not know what
10 happened to him. However, before I left, he handed over his
11 pistol and I said goodbye to him.

12 Q. But my question was, were you ever asked by anyone to arrest
13 this man and subsequently to execute him.

14 A. No, I did not receive an order to execute him. At the office,
15 the chief of the office where I was deputy instructed me to take
16 him to a rendezvous point where he would be put on a vehicle, so
17 I said goodbye to him at that rendezvous point. Then I returned.
18 And that was the order that I received from the chief of the
19 office.

20 [09.25.20]

21 Q. Well, let me read to you what you said to the interviewer of
22 DC-Cam in that very same answer that I just referred to:

23 "I met one of them, one of the Ta Hanoi. I was asked to arrest
24 and execute him. I said that I could hardly arrest him, as he
25 slept with me. Before he was arrested, he was crying and saying

11

1 goodbye, that, 'I would be killed'. I could do nothing to help."

2 End of quote.

3 So Mr. Civil Party, you said here that you were asked to arrest
4 and execute him. Is that a correct statement in your DC-Cam
5 interview?

6 A. As I have just stated, I did not arrest him myself. What I did
7 was to take him to a rendezvous point based on the instructions
8 from the <sector secretary>, and I did not know whether he was
9 sent somewhere to be killed. And before I left, he handed to me
10 his pistol. <And I gave it to my supervisor.>

11 Q. Mr. Civil Party, do you know who Kang Chap was?

12 [09.26.08]

13 A. The name sounds familiar, but I only saw him and I never spoke
14 to him. He was at a senior level, and I did not have any contact
15 with him. And as I said, the name sounds familiar.

16 Q. Well, Mr. Civil Party, are you sure about that? Do you know --
17 do you not know some more details about Kang Chap?

18 A. No, I don't. I only heard of his name, but I did not speak to
19 him. He was at the zone office with Ta Mok, and I was a low level
20 cadre, so I did not have the authority to speak to him.

21 Q. Well, Mr. Civil Party, let me refresh your memory again.

22 Again, DC-Cam statement; ERN English, 00753883; Khmer, 00059386;
23 French, 00796632.

24 Question: "Was Kang Chap Ta Mok's deputy chief?"

25 Your answer: "No, he was not. He was a doctor. He was trained in

12

1 North Vietnam, and a Vietnamese spy."

2 And a little bit down, you say: "As you mentioned earlier, Ta

3 Chap was the secretary of the North Zone. He was the secretary of

4 Sector 35."

5 "Sector 35?"

6 And then you answer, "Yes. He was not a doctor. I got confused

7 earlier."

8 Does that refresh your memory, Mr. Civil Party?

9 [09.29.39]

10 A. I am not sure since it happened a long time ago. And I could

11 say that I heard of the name Kang Chap before. I <cannot> recall

12 where he was transferred to, and he was not deputy of a zone.

13 And to my knowledge, he was a medic.

14 Q. But you said he was trained in North Vietnam, and a Vietnamese

15 spy. Why did you say that? What was your source of knowledge

16 indicating that Kang Chap was trained in North Vietnam and was a

17 Vietnamese spy?

18 A. Related to the word "spy" or "espionage", I never said so. I

19 did not say so. I remember that I said something only about Hanoi

20 or North Vietnam.

21 [09.31.04]

22 Q. Yes, but you didn't say that you heard that. You actually said

23 to DC-Cam, he was a North Vietnamese spy. So my question is, why

24 did you say that? How did you know that?

25 A. I did not say such a thing at that time. I did not know, and

13

1 in our informal chatting, I may have talked about North Vietnam
2 or <Ta> Hanoi. <I didn't say anything else.>

3 Q. In that same question, the interviewer talked about Ta Mok. Do
4 you remember who Ta Mok was and what kind of person he was?

5 A. Talking about Ta Mok, I do not know about his biography since
6 his <childhood>. I saw him only when he's already a man. And I
7 saw him because I worked in the Southwest Zone, but I saw him
8 only briefly and did not have the opportunity to ask him about
9 something in details about him.

10 Q. Well, let me ask it--

11 MR. PRESIDENT:

12 <The floor is given to the Lead Co-Lawyer for civil party.>

13 MS. GUIRAUD:

14 Thank you, Mr. President. Can our colleague provide us with the
15 Khmer ERN once again of the segment of the DC-Cam interview so
16 that my colleague may be able to read it in Khmer. We just simply
17 lost track of the ERN.

18 [09.33.36]

19 MR. KOPPE:

20 Well, I hadn't said the ERN yet. I'm about to now.

21 MS. GUIRAUD:

22 Regarding Kang Chap, yes.

23 BY MR. KOPPE:

24 Kang Chap. Yes, 00753883, in English; French, 00796632; and
25 Khmer, 00059386.

14

1 Q. Mr. Civil Party, returning now to Ta Mok, my question what
2 kind of person Ta Mok was, was Ta Mok a very strict person; yes
3 or no?

4 [09.34.35]

5 MR. SENG SOEUN:

6 A. I cannot comment on that. I don't know what type of a person
7 he was. I only knew that he was the leader of the Southwest Zone,
8 but for the characteristics or what type of person he was, I
9 cannot give my comment on that.

10 Q. Really, Mr. Civil Party? Let me refer again to an answer that
11 you gave to DC-Cam, this time English, ERN 00753889; Khmer,
12 00059393; French, 00756638 and 39; and Khmer it's 94, by the way,
13 also:

14 Question: "I heard that Ta Mok was a very strict person."

15 And then you answer: "Not really. He used harsh words when he
16 talked. For instance, when he went to the hospital, he told the
17 staff harshly to look after the patients. He also asked the
18 patients if they had anything to eat. Sometimes the patients
19 themselves were bad. They complained to him that the food was not
20 good. Then Ta Mok asked for the hospital director and asked why
21 the patients did not have anything to eat. He also ordered beef
22 and pork to be quickly given to the patients. But the hospital
23 staffers were also bad sometimes. After three days, they gave us
24 no more food. During those three days, there was so much beef and
25 pork, but after Ta Mok was gone, we ate normally."

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

15

1 And then you speak about Ta Mok's fingers, they were long. He was
2 well built, but not fat. And then you go on and on. It seems that
3 you know Ta Mok quite well. Is that correct, Mr. Civil Party?

4 [09.37.08]

5 A. When I said that I knew him, it was the time when I was
6 wounded. <My leg was wounded> and at that time, he came to visit
7 the hospital, and he instructed the medical staff there to take
8 care of the patients. But I did not know about his biography.

9 Q. A bit further in that interview, you said that you met him in
10 '76.

11 Do you remember the story about Ta Mok and his watch, and the
12 watches that he used to wear?

13 A. It's word of mouth. I don't know whether it's true or not,
14 that if people asked for it, he would take it off and give to the
15 person who asked for it.

16 [09.38.36]

17 Q. Well, it's not a terrible -- terribly important story, but it
18 goes to your credibility, Mr. Civil Party. That's why I will read
19 something that you said to DC-Cam about the watch story. That is
20 the same ERNs that I just mentioned, but just a bit further:

21 Question: "So he" -- Ta Mok -- "was a kind person?"

22 And then you answered:

23 "If we asked for his watch, he would take it off his hand and
24 give it to us, but we had to take it and walk out quickly,
25 because if we were still there and if there was another person

16

1 asking him for that watch, he would take it back from us and give
2 it to the one who asked for it last.

3 I told him I did not have a watch to tell the time, and then he
4 said, 'Okay. You can have this one'. Wow. It was an Omega. It was
5 a famous make. He said, 'You take it'. Well, I was still there
6 after receiving the watch, and suddenly another person came and
7 asked him for a watch, too. He said, 'Okay, you take it from
8 him'." End of quote.

9 So, Mr. Civil Party, it's not a very important story, but it
10 seems that you got the watch from him in person. Is that correct?

11 [09.40.10]

12 A. Yes, that is correct. <I told the truth.>

13 Q. Let me ask you about two other very high-ranking cadres. Do
14 you know cadres named Ros Nhim and So Phim?

15 A. No, I never saw them. I only heard about their names. <They
16 were the zone committee members. I never met them.>

17 Q. But what did you hear about them?

18 A. We were far from each other because we were in different
19 zones. <I was a low-ranking cadre.> We did not know each other.

20 Q. Do you know whether they were full members of the Central
21 Committee or the Standing Committee of the CPK?

22 [09.41.55]

23 A. I did not know clearly <at that time>. I only heard through
24 the radio about the announcements of their names<, zones etc. But
25 I didn't have the full knowledge of them.>

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1 Q. Well, let me read to you what you said in that same DC-Cam
2 interview. I only have the English ERN, I'm afraid. I will give
3 the Khmer and French a bit later, with your leave, Mr. President.
4 It's English ERN 00753820. You said:
5 "Full members were only Vorn Vet, So Phim and Ros Nhim, while
6 Khieu Samphan, Son Sen and Ta Mok were alternate members at the
7 time."
8 Question: "How about Ieng Sary?"
9 "Ieng Sary was a full member."
10 "Full member as well?"
11 Answer: "Yes."
12 "Were there any other people? How about Ke Pauk at the time?"
13 And then you say, "No, Bong Pauk was just a zone deputy
14 secretary."
15 And then you talk about Koy Thuon a bit further.
16 Mr. Civil Party, how come you were in a position to know, for
17 instance, that both So Phim and Ros Nhim were Central Committee
18 members of the CPK, even Standing Committee members?
19 [09.43.48]
20 A. I was aware of this based on the accounts given to me by Pauk,
21 whom I met at Dang Rek mountain. And he told me about such
22 stories, and I based <in Kratie> -- and I gave my answer based on
23 his account.
24 Yes, that is from Ke Pauk. I never met those people. I only heard
25 about their names and their stories through his account.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

18

1 Q. So it was Ke Pauk who told you after 7 January '79, that both
2 So Phim and Ros Nhim had been members of the Standing Committee
3 of the CPK? Is that correct?

4 A. Yes. I gave my answer based on my recollection when Ke Pauk
5 told me. <That's what I said in the interview.>

6 [09.45.17]

7 Q. Well, I'm asking you this question because very, very few
8 people knew that Ros Nhim was a member of the Standing Committee,
9 so I was just wondering how you, as a civil party, were in a
10 position to know that.

11 But let me move on, Mr. Civil Party, to something else that you
12 said, and that is the war or the armed clashes or the armed
13 conflict between Vietnam and DK.

14 What is it that you can tell us about that?

15 A. I don't know how to tell you because the responsibility of a
16 soldier was to defend the territory-<liberate the country>. And
17 at that time, there was the issues of the Lon Nol soldiers and
18 the "Yuong" soldiers of Thieu-Ky at the border areas. And that's
19 what I could tell you, that an obligation of a soldier was to
20 defend the territory. <I did not know what it was really for.
21 There were fightings in the whole country. I just joined the
22 flow>. And I cannot comment more about the other purpose.

23 [09.46.50]

24 Q. But let me ask it very concretely. What was the problem in
25 terms of the border between DK and the Vietnamese? Can you tell

1 us?

2 A. I did not know because I did not have knowledge in mapping or
3 cartography. I was simply deployed to the border areas and I was
4 required to defend it. So if there was a force, which entered our
5 territory, I have to fight. And that was the order that I had to
6 follow from my commander.

7 Q. Were you involved in the planting of mines and planting of
8 border posts with the flag of DK?

9 A. I was aware of it during the time when I was based there, but
10 I did not participate in the planting of mines. It was other
11 members of my unit who were assigned to plant mines and place the
12 flags. And some of the mines were later on removed, and then they
13 planted mines again and the mines blasted.

14 [09.49.03]

15 Q. Well, let me see if I can refresh your memory again, Mr. Civil
16 Party. Your DC-Cam statement, English, ERN 00753891; Khmer,
17 00059396; and French, 00756641. The question from the DC-Cam
18 interviewer is as follows:

19 "Why were you told to fight against 'Yuon'? What was the problem
20 between Cambodians and 'Yuon'?

21 Answer: "The problem was that the 'Yuon' encroached into our
22 border. They removed from the border posts planted during the
23 French colony. I was following orders to plant border posts with
24 our national flag, but they removed those posts and the flag. But
25 we kept going and planting the posts, and they kept removing

1 them. Then later on, we planted mines there. They came to remove
2 the posts, the mines went off, killing three or four of them, and
3 we continued to plant some more."

4 "The flag you mentioned, was it the red flag?"

5 And then you answered, "It was our national flag, the flag of our
6 nation.

7 Question: "Was it the one with an Angkor temple surrounded by
8 colour red?"

9 "Right. That was the one. Also with curving rice stalks."

10 And then it goes on a bit.

11 Do you recall now having said that to the interviewer at DC-Cam,
12 Mr. Civil Party?

13 [09.51.06]

14 A. Yes, I can recall it, but I was not the one who did it. But
15 other people who were from the same unit with mine who did it.

16 Q. I'm particularly interested in one sentence in your answer,
17 Mr. Civil Party, and it says -- where it says, "The problem was
18 that the 'Yuon' encroached into our border."

19 Can you be a little bit more specific? Can you give us some more
20 details?

21 Were the Vietnamese troops who always started this? Is that what
22 you're saying?

23 A. When I was not handicapped yet and I was defending the
24 territory at the border, they -- they came in every day. They
25 came to face in our area every day, but it was not a large force.

21

1 It was simply a smaller one. It happened during the time I was
2 based <in Kaoh Andaet district>.

3 [09.52.37]

4 Q. I understand. But just to be sure that we're talking about the
5 same thing, you're being asked the questions about the period,
6 and it seems to me that you're saying that these events happened
7 in '76 or '77.

8 So the encroaching of the "Yuon" into the border and the issue
9 with the border posts, was that after 17 April '75 or before?

10 A. When -- when I was deployed there, it was before 17 April
11 1975. At that time, there were still Lon Nol soldiers who were
12 there, and my unit was sent to that target, <in Kaoh Andaet
13 district. The Khmer Rouge solders> were fighting against the Lon
14 Nol soldiers <in my hometown, Takeo province>.

15 Q. Let me ask it differently. Those Vietnamese troops who were
16 encroaching all the time, were these Communist troops, either
17 Vietcong or North Vietnamese military, or were they South Vietnam
18 military, Thieu-Ky soldiers?

19 A. They were Thieu-Ky soldiers.

20 Q. And do you know whether these encroachments also happened
21 after '75? Do you have any knowledge of that?

22 [09.55.00]

23 A. I only heard about it because at that -- by the time, I was
24 already a handicapped person.

25 Q. All right. Let me ask you something different, Mr. Civil

1 Party.

2 Let me go to the events that you described yesterday, the
3 execution of 10 people in Kaoh Kor.

4 Who was it that physically ordered the execution of these people?

5 Who ordered the execution of those 10 people? Who was it?

6 A. I gave my answer about this yesterday already. It was the
7 district committee who gave the order to the chief of the Kaoh
8 Kor prison, who conducted the execution. And the order came from
9 the upper level down to Brother Phon (phonetic).

10 [09.56.23]

11 Q. My question is the person -- you said you were an eyewitness.
12 The person physically ordering the executions, was that Cheam or
13 was that someone else?

14 A. I cannot recall it because the order came down the hierarchy,
15 and the -- I saw the 10 people who were already blindfolded and
16 their hands were tied up. And the -- and the district committee
17 gave the order. And during the execution time, it was a few of
18 the security centre's guards who carried out the execution.

19 Q. Maybe I'm not very clear in my questions, but you said you
20 were an eyewitness. You said that you saw an execution with your
21 own eyes happening in front of you.

22 Who was it that ordered the people to actually shoot them or kill
23 them in another way? Was that Cheam or was it someone else?

24 MR. PRESIDENT:

25 Mr. Civil Party, please hold on.

23

1 Co-Prosecutor, you may have the floor.

2 [09.58.29]

3 MR. LYSAK:

4 Yes, Your Honour. I object to this question as repetitive. It's
5 the third time he's asked it.

6 The witness has already answered. He said the orders came down
7 and were -- execution order was provided by the district
8 committee. He's answered several times now, and counsel doesn't
9 like the answer so he keeps asking the same question.

10 MR. KOPPE:

11 I wasn't asking at all about the command structure or the
12 hierarchy or the way the orders went down. I was asking who was
13 physically there ordering the execution. That is something
14 completely different. Whether orders were coming from down, that
15 is something that I will get to.

16 My question is, was there a person physically verbally ordering
17 others to execute those 10 people. That question has not been
18 answered yet.

19 [09.59.33]

20 MR. PRESIDENT:

21 Counsel, you may proceed with your question.

22 BY MR. KOPPE:

23 Q. So Mr. Civil Party, I'm asking who was the person that you
24 saw, if at all, giving the order to soldiers or to whomever, to
25 execute those 10 people? Who was that?

1 MR. PRESIDENT:

2 Mr. Civil Party, please hold on.

3 The floor is given to the Deputy Co-Prosecutor.

4 MR. LYSAK:

5 Now he's asked a different question than he said he wanted to
6 ask. If he wants to ask was there someone there who physically
7 gave an order there, that's fine. But now he's telling the
8 witness someone must have been there who physically ordered it;
9 who was it. So I think he needs to ask the question a different
10 way.

11 [10.00.34]

12 JUDGE FENZ:

13 Let me try. I think I understand where you are going.

14 Civil Party, while you were there and witnessed the execution,
15 did you hear anybody say, "Kill those 10?"

16 MR. SENG SOEUN:

17 It is difficult for me to respond to this question and to me, it
18 is rather repetitive.

19 JUDGE FENZ:

20 Witness listen to me. Listen carefully.

21 You witnessed an execution of 10 people. Is this true?

22 [10.01.30]

23 MR. SENG SOEUN:

24 Yes, it's true.

25 JUDGE FENZ:

25

1 While you were there, did you hear anybody say, "Kill these 10
2 people" or did you not?

3 MR. SENG SOEUN:

4 It seems not.

5 JUDGE FENZ:

6 So just to clarify, while you were there, you didn't hear anybody
7 giving the order to kill these 10 people. Do I understand you
8 correctly?

9 MR. SENG SOEUN:

10 At that time, when I was standing there to witness the execution
11 of the 10 people, I did not hear anyone saying anything or said
12 about the order. No, I did not hear that.

13 JUDGE FENZ:

14 Thank you.

15 [10.02.40]

16 BY MR. KOPPE:

17 Q. Then, of course, my next question is, Mr. Civil Party, who
18 were the people that killed those 10 people? Who were they?

19 MR. SENG SOEUN:

20 A. As I have stated, the chief of the prison of Kaoh Kor ordered
21 his subordinates to fire and shot the 10 people. And the prison
22 chief himself did not commit the killing, but he was the one who
23 issued the order to his subordinates.

24 Q. Now we're getting there. How is it that you know that it was
25 the Kaoh Kor prison chief who ordered his subordinates to kill

1 those 10 people?

2 [10.03.50]

3 A. I have stated repeatedly, that the chief of the Kaoh Kor
4 prison issued order to his subordinates to kill the 10 people
5 that I witnessed. What else you want me to say?

6 Q. Well, I would like you to describe for the Chamber, how this
7 order was conveyed to those men executing those people. Was it a
8 verbal order? Was it a written order? Was it something he said
9 that you overheard? I would like to find out exactly what it is
10 that you said you witnessed.

11 A. Allow me to clarify the matter once and for all. Regarding the
12 sending those people to Kaoh Kor and later on executed them and
13 as I've stated, the district level ordered all commune chiefs to
14 gather those pure "Yuon" and Chinese people and had them sent to
15 Kaoh Kor.

16 Then the Kaoh Kor prison chief noted or registered those names,
17 then reported to the district and, later on, they would be
18 killed. And that was the order of the district committee to the
19 prison chief, and the prison chief would order his subordinates
20 to kill those people in a group of 10 or in a group of 20.

21 Q. You're describing a general mechanism, Mr. Civil Party, but
22 let me move on and go up one step.

23 Were you present when the Kaoh Kor prison chief received the
24 order? Were you there in his room? Were you there when he
25 received that specific instruction?

1 [10.06.27]

2 A. I already stated what I witnessed regarding the events that
3 was unfolded in Kaoh Kor.

4 Q. Well, Mr. Civil Party, you said that you sort of happened to
5 end up on Kaoh Kor without really having any business there, so
6 I'm just trying to figure out exactly what you knew and what you
7 saw.

8 But let me be specific in terms of names.

9 You said that the Kaoh Kor prison chief must have received an
10 order from the district committee.

11 Who was it, specifically, on the district committee that ordered,
12 according to you, the Kaoh Kor prison chief? Was that that Cheam
13 person that we spoke about earlier?

14 A. I have stated repeatedly that Sao Phon was the district
15 committee, and he was the one who ordered the Kaoh Kor prison
16 chief to execute those people. And commune chiefs would transport
17 those people to Kaoh Kor.

18 [10.08.03]

19 Q. Fine. But then can you explain to me why it is that, in your
20 DC-Cam statement, you say something different, apparently?

21 English, ERN 00753898; Khmer, 00059404; French 00756648; and I
22 quote you again:

23 "It was so miserable at Kaoh Kor."

24 Question: "Who was in charge of it at the time?"

25 "It was A Cheam at the time, but later on, I arrested him."

28

1 And then it goes on about the confessions.

2 So again, my question to you is, was it Cheam who was involved,
3 who was responsible for the killing of those people, or was Sao
4 Phon (phonetic)? Which one of the two?

5 MR. PRESIDENT:

6 Civil Party, please hold on.

7 And Co-Prosecutor, you have the floor.

8 [10.09.12]

9 MR. LYSAK:

10 The last -- the question before was, who was the district
11 committee that -- that issued the order to the security office.
12 He answered that question. And then counsel stood on his feet and
13 said he said something different in his interview and read about
14 who it was who controlled the security office at Kaoh Kor, an
15 entirely different issue.

16 So now he wants to ask who was responsible, was it the district
17 chief or the security -- the head of the prison. That's not a
18 question for this witness to answer. He needs to ask specific
19 factual questions.

20 [10.09.58]

21 BY MR. KOPPE:

22 If you -- if you read the complete context of his statement, you
23 will see that he speaks about this actual event. He said he
24 witnessed it with his own eyes. And then even a question, "Were
25 children also killed?" "Everyone was." He says, "It was so

1 miserable at Kaoh Kor."

2 "Who was in charge there at the time?

3 "It was A Cheam at that time."

4 I mean, we can -- we can split words here, but I don't think
5 that's a whole different issue, as the Prosecutor seems to
6 suggest.

7 Q. So -- but let me see if I can rephrase it, Mr. Civil Party.

8 Who was in charge of Kaoh Kor and who was responsible for the
9 execution of those 10 people? Was it A Cheam -- was it Cheam or
10 Sao Phon, or were both responsible? What was it?

11 MR. SENG SOEUN:

12 A. I have stated that Sao Phon, the district committee, issued
13 order to Kaoh Kor chief to execute those people who were sent to
14 Kaoh Kor, and the executioners were the subordinates of Cheam. I
15 made it very clear already.

16 [10.11.39]

17 Q. Ah, so was Cheam then the prison chief of Kaoh Kor?

18 A. Yes.

19 Q. Now I understand. And then before I ask more questions about
20 Cheam, maybe, Mr. President, this would be an appropriate time to
21 break.

22 MR. PRESIDENT:

23 Thank you, counsel. It is now a convenient time for a short
24 break.

25 And the Chamber will take 20 minutes' break.

30

1 (Court recesses from 1012H to 1030H)

2 MR. PRESIDENT:

3 Please be seated.

4 The Defence Counsel for Nuon Chea, you may proceed with your
5 questions.

6 BY MR. KOPPE:

7 Thank you, Mr. President.

8 Q. Mr. Civil Party, we just established that Cheam was the prison
9 chief of Kaoh Kor. Let me read to you what you said in relation
10 to Cheam in respect of his arrest.

11 That is, again, your DC-Cam statement, E3/5643, English, ERN
12 00753898; Khmer, 00059404; French, 00756648. This is what you
13 said:

14 "I arrested A Cheam." -- contemptible Cheam.

15 Question: "What did he do wrong?"

16 And then you answered the following:

17 "He made up confessions. He just wrote this person was connected
18 to this person, but after investigations, we found that he had
19 arrested many people, so he was arrested.

20 'Well', he cried. And I said, 'That is your sin'. He thought I
21 was kidding. I told him, 'Be still. I did not yet take out the
22 gun'. There were two of us. 'You stay still. I tie you up', I
23 told him.

24 'Well, how will you tie me?' he asked. And I responded, 'I'm
25 serious. I'm tying you up'.

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

31

1 He said no. He did not let me tie him up, but I got the gun. He
2 asked why I was doing that. I said it was now up to his fate. We
3 put him onto the truck, he began crying out loud. He was brought
4 to Kaoh Tang." End of quote.

5 Mr. Civil Party, you recall telling this to the DC-Cam
6 investigator?

7 [10.32.50]

8 MR. SENG SOEUN:

9 A. Yes, I said so. But I remember that my answer was not that
10 lengthy as you read.

11 During the time when I pointed the gun at him, I did not talk
12 much to him. Of course he asked me why he was arrested, what
13 wrongdoing he committed. I told him that he made up the
14 confessions, <many people died because of that,> and that was
15 what I said. I did not say anything beyond that.

16 Q. How long, after you witnessed the execution of 10 people, was
17 Cheam arrested by you? How long after the events of the
18 execution?

19 A. I recall that when the time I saw the execution, he was not
20 arrested yet. <He was still the chief of the prison.>

21 [10.34.18]

22 Q. That I understand because you said he was in charge of Kaoh
23 Kor prison at the time of this execution of 10 people. But my
24 question was, how long was it after the execution that you
25 arrested Cheam.

1 A. As I said earlier, <I did not remember the exact date. But> it
2 happened later on. It was about two months later on.

3 Correction, it was about 10 days later after I saw the execution.

4 It was not that long from the time when I saw the execution to
5 the time the chief of Kaoh Kor prison was arrested, the time that
6 I tied him up and put him on a truck <to Koah Thum>.

7 Q. Now, are you in a position to tell us whether his arrest was
8 somehow connected to the execution of 10 people? In other words,
9 was he arrested because of his involvement in the execution of
10 those 10 people?

11 [10.36.09]

12 A. No, the executions of the -- those ethnic group was a separate
13 story, and his arrest was because of another -- a different
14 story. That was because he made up the confessions.

15 His arrest was not because of his executed the 10 people <at Koah
16 Kor>.

17 Q. Now, another question I have is, how was it that you were in a
18 position to tell that those 10 people that you saw being executed
19 were, in fact, ethnic Vietnamese or ethnic Chinese? How did you
20 know? Did you know their names, did you know from which communes
21 they were? How is it that you knew them?

22 A. I did not say that they were -- they were brought in because
23 they were of particular ethnic groups or <which commune> they
24 were brought from. <I did not know. They were brought to the
25 execution site. At that time either Cham, "Yuong" or Chinese>

1 spoke Khmer clearly. <I did not know what their ethnic groups
2 were.> I did not have time to talk to them. I only saw the
3 execution.

4 [10.38.00]

5 Q. But why is it, then, that you said to DC-Cam, and you repeated
6 that here yesterday, that these 10 people were, "Chinese and
7 Vietnamese expatriates"? Why did you say that if you didn't know
8 them?

9 A. I did not say so. At the time that I witnessed the execution,
10 I did not see whether they were ethnic <Chinese or> Vietnamese or
11 not. <I did not know what ethnic group they were exactly.> I did
12 not say that <or confirmed with any organisation>.

13 Q. Mr. Civil Party, I'm going to ask you a question now, and that
14 sounds a bit peculiar when I'm going to -- what I'm going to say
15 now, but since both this Court and the Lead Co-Lawyers for the
16 civil parties have neglected, apparently, advising you that you
17 have a right not to incriminate yourself, I will do so for you.
18 So what I'm -- what I'm about to ask you, you don't have to
19 answer.

20 But were you involved yourself in the execution of those 10
21 people somehow? For instance, did you make a list of names that
22 you subsequently provided to the district committee or to anyone
23 else?

24 MR. PRESIDENT:

25 Mr. Civil Party, please hold on.

34

1 The floor is given to the Lead Co-Lawyer for civil party.

2 [10.40.25]

3 MS. GUIRAUD:

4 Thank you, Mr. President. Just an observation here, it will be up
5 to the Chamber to know if the question can be put or not.

6 How can our colleague know about what we're <saying, what we're>
7 talking about with the civil party? So he should stop speculating
8 about what happens when we meet our clients. We do not speculate
9 when he meets Nuon Chea, so this comment is particularly
10 inappropriate. He should take care of his client, and we will
11 take care of our clients.

12 [10.41.05]

13 MR. KOPPE:

14 Fine. Let me shift my surprise not to the Civil Party lawyers,
15 but to the Chamber. I observe that every person that might
16 incriminate himself, even if it's the lowest cadre, is
17 accompanied by a stand-by counsel, and I'm just wondering why
18 this particular civil party has no such counsel.
19 So, that's the reason I'm advising him that he doesn't have the
20 answer -- to answer the question, but the question is still
21 relevant whether he, himself, was somehow involved in the
22 execution of those 10 people.

23 MR. PRESIDENT:

24 The floor is given to the Deputy Co-Prosecutor.

25 MR. LYSAK:

35

1 Your Honour, these comments by Counsel are highly improper. It's
2 not for him to be advising this witness, the civil party. If a
3 civil party wanted counsel, he certainly -- he has counsel here
4 to consult with. He's met with them.

5 This is a transparent effort to try to intimidate. He should ask
6 his questions and he should stop playing games in this courtroom
7 by trying to intimidate the individuals who are here testifying.

8 [10.42.39]

9 BY MR. KOPPE:

10 Q. Fine. Then please answer my question, Mr. Civil Party.

11 Were you, yourself, involved in the execution of those 10 people?

12 Did you make the list with their names somehow? Were you -- did
13 you have a role to play in the execution of those 10 people?

14 MR. SENG SOEUN:

15 A. I did not receive any plan. The lists that were drawn up from
16 the communes were sent to me. I did not even <read> those lists.

17 I was simply kept those lists. And because I was curious, I
18 wanted to know how the execution was taking place. I went there
19 one time to that place, but I was not close to the execution
20 site. I stood for about 10 metres away. And then I returned back
21 to my workplace.

22 [10.43.58]

23 Q. But with all due respect, Mr. Civil Party, you were not just
24 someone who was peeping through the bushes or through a crack in
25 the wall. You were the one that arrested the person responsible

1 10 days later. So you were not just an innocent bystander.

2 Correct?

3 JUDGE FENZ:

4 Sorry, Counsel. You drew a conclusion. "Innocent bystander", is a
5 wide term.

6 MR. KOPPE:

7 Please give me a break, Judge Fenz.

8 JUDGE FENZ:

9 It's questions. We'll allow you to ask questions, as you have
10 said. We draw the conclusions. We are in the same trial as you
11 are.

12 BY MR. KOPPE:

13 Well, that I sincerely doubt.

14 Q. Mr. Civil Party, were you not involved in the execution since
15 you had the power to arrest the person who was responsible?

16 [10.45.12]

17 MR. SENG SOEUN:

18 A. I do not know how to give answer beyond that. I told you
19 already that I went there and stood and witnessed the execution.

20 I did not participate in the execution. The term "participate"
21 would mean that -- join the shooting of those people.

22 Q. No problem, Mr. Civil Party. Let me move on to another
23 subject, and that is the alleged killing or the alleged policy of
24 killing, rather, of former Khmer Republic officials.

25 You said yesterday and also in your WRI that officials from the

1 former regime would not be spared and they needed to be smashed.
2 You said that this is something that you had learned at study
3 sessions. My question to you is, when was it that you heard this
4 during study session; what year?

5 [10.46.34]

6 A. Thank you. It was a long, long time ago. When I attended the
7 study session, it was in 1972, '73 or '74. And that happened a
8 long time ago. I cannot recall it well now. I cannot even recall
9 the names of the sector committee or district committee. <My
10 memory is not good now.>

11 Q. I understand, Mr. Civil Party, it's a long time ago, but it is
12 quite important that you somehow tell us when, exactly -- when it
13 was, because if it was before 1975, then killing of Khmer
14 Republic soldiers would be legitimate because there was a war
15 going on.

16 So my question is, did you hear that officials from -- or
17 soldiers from the former regime would not be spared before 17
18 April '75, or after 17 April '75?

19 A. It was after 17 April.

20 Q. Fine. And now my question is, which year was it? Was it in '75
21 directly after liberation, or was it many years later -- or a few
22 years later, rather?

23 A. I'm not quite certain about this. After 17 April 1975, I
24 attended the political study session one time. <It was called
25 political session.> At that time, my battalion in Takeo, the

1 place where I was based, they launched a study session and it
2 focused about the cleansing.

3 [10.49.23]

4 Q. You were a Southwest Zone cadre, Mr. Civil Party, so it's
5 important that we get the chronology straight. Was it shortly
6 after April '75, or was it a few months after April '75, or was
7 it two years after April '75?

8 A. At that time, I attended the study session at the military
9 unit where I was based, and after that, I became a handicapped
10 person.

11 Q. If I have time, I will get back to the chronology. Who was it
12 that said that officials from the former regime, including
13 soldiers, would not be spared? Who said that?

14 [10.50.55]

15 A. At that time, it was not a school. It was simply a session. A
16 session would be opened for three days. At the school, the study
17 would last for seven <to 10> days. <The session that I attended
18 was a short political session to educate the lower-ranking
19 leaders about the policy of the CPK. In> my unit, <there was a
20 person who> had the responsibility to launch such a political
21 study session to its members. <His name was Bao. He was the
22 commander of> my battalion.

23 Q. My question was, who was it? Was it your battalion commander,
24 who said this about former officials and soldiers? And if yes,
25 what was his name?

1 A. As I told you earlier, it was called a political study
2 session. It was -- it was not -- it was not the opening session.
3 And at that time, the one who gave us the lecture during the
4 study session was my battalion commander named <Bao>.

5 Q. And from whom, if you know, did Phan (phonetic) get that
6 instruction in relation to the fate of former Khmer Republic
7 officials? Do you know whether he was speaking for himself or
8 whether he was acting upon an instruction?

9 A. I don't know anything else beyond that. I was under the
10 instruction of Bao, but beyond Bao or above Bao, I don't know who
11 else was above him.

12 Q. Well, it's important to understand whether this Phan was
13 speaking for himself because we have quite some testimony in this
14 -- in this courtroom, testimony from district cadres such as Pech
15 Chim, Sao Van, who all say that specifically in the southwest,
16 there was a policy not to touch soldiers all the way up until the
17 rank of Colonel. Is that something that you heard?

18 [10.54.13]

19 MR. PRESIDENT:

20 Mr. Civil Party, please hold on.

21 Deputy Co-Prosecutor, you may proceed.

22 MR. LYSAK:

23 Yes. I object to the way Counsel's phrased his question. He's
24 represented to the witness that everybody has said this. There
25 are two out of about 100 witnesses who have said this. The others

40

1 have said the opposite.

2 So, he can confront them with their testimony, but he shouldn't
3 be representing to him that this is what everybody says.

4 [10.54.44]

5 MR. KOPPE:

6 I'm not sure if I said everybody, but if I did, I'll withdraw
7 that. I did mention district cadre Pech Chhim, who testified in
8 this Court who said that very same thing. We have Sao Van, who
9 was a district cadre at one point. We have, what's her name, Prak
10 Yut, who said the same thing. Ranking Southwest Zone cadres who
11 said there was no such policy. Even Duch doesn't know of such
12 policy. So, I think there's no need now specifically because we
13 all heard that testimony to read out the exact quotes from those
14 people.

15 MR. LYSAK:

16 Mr. President, I disagree. The practice here is if he wants to
17 confront with evidence, he should use it. He shouldn't be
18 characterizing because he's mischaracterizing evidence, and I'm
19 not going to get into any detail because he's using some names,
20 but he should be using documents and following the Court practice
21 here.

22 JUDGE FENZ:

23 Yes. As per practice, if you confront him with testimony,
24 obviously you have to give the references.

25 [10.56.10]

1 BY MR. KOPPE:

2 You were there. You heard it. Anyway, let me move on.

3 Q. Mr. Civil Party, have you ever heard instructions that no one
4 was to be touched below the rank of Colonel?

5 MR. SENG SOEUN:

6 A. No, I did not know, nor heard about it.

7 Q. Where was it that this Phan (phonetic), this battalion
8 commander, talked about the officials of the former regime? Where
9 was it where the study session was held?

10 [10.57.15]

11 A. I was not clear about this, cannot recall it well about this,
12 but I recall that the political study session at my unit <which
13 was opened by Bao.> At that time <it> was said that we had to
14 smash the former regime's officials <from the Lon Nol regime>,
15 and that were the policies from the CPK that we had to follow.

16 Q. Well, you don't remember where it was that you heard this;
17 which place, which commune, which district, which sector, which
18 zone?

19 A. The lecture did not take place at any village or commune. It
20 took place right in my battalion. And the battalion <commander,
21 Bao,> launched such study session for its members.

22 Q. I understand that it was in your battalion, but where were
23 you? Where was your battalion physically when you heard this?

24 A. I cannot recall where that battalion headquarter was based, I
25 mean the village and the commune which it was based.

1 Q. But at least you should be able to tell us the district or the
2 sector where you were, where your battalion was.

3 A. Yes, I can give the answer. It was located in Kaoh Andaet
4 district. It was close to the Khmer-"Yuon" border in Kaoh Andaet
5 district.

6 [10.59.55]

7 Q. Let me move on. I only have a few more minutes, Mr. Civil
8 Party.

9 There's something you said in your WRI, E3/409, question and
10 answer 44. You're talking about the principle that Lon Nol
11 soldiers had to be smashed, but in that same answer, you said,
12 "The people were classified in two categories, the New People and
13 the Base People."

14 And then you say, quote unquote, "The New People had to be
15 smashed." End of quote.

16 Did you say that?

17 A. I don't mean that I forget about what I said, but I did not
18 say that.

19 Q. So there was no such -- there was no policy to smash New
20 People. Correct?

21 [11.01.28]

22 A. I didn't say anything regarding this matter. That is after the
23 17 April 1975 event, because later on, <I did not know anything
24 as I told you> I became a handicapped soldier.

25 Q. One last subject, returning to the issue of people of

1 Vietnamese or Chinese origin.

2 What I don't understand is why was it that people of Chinese
3 origin were supposed to be executed?

4 A. I only knew and heard about the killing during that one
5 particular event and I could not know any further detail because
6 I did not know from which level the order came and I could not
7 elaborate any further regarding the CPK plans or policy <because
8 I was just a subordinate.>

9 Q. I -- I understand. Let's -- let's move away from -- from the
10 execution of those 10 people. But you said in DC-Cam -- your
11 DC-Cam interview; English, ERN 00753855; Khmer, 00059350; and
12 French, 00796598; you said, "There was a plan to smash ethnic
13 Vietnamese and ethnic Chinese."

14 Why was there a plan to smash ethnic Chinese?

15 A. I already responded to that questions that I did not know
16 about that.

17 Q. So you didn't know about a plan to smash ethnic Chinese; am I
18 to understand that you also didn't know about a plan to smash
19 ethnic Vietnamese?

20 MR. PRESIDENT:

21 Civil Party, please hold on and Co-Prosecutor, you have the
22 floor.

23 [11.04.21]

24 MR. LYSAK:

25 That's not what the witness just testified; he was asked about

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1 the reason, not whether there was a plan. He was asked what the
2 reason was for killing and he said he didn't know the reason why
3 the plan included killing the Chinese.

4 BY MR. KOPPE:

5 Fine, no problem; I'll -- I'll adjust.

6 Q. Mr. Civil Party, just to -- to make sure that I understand
7 properly, you don't know what the reason was about potentially
8 smashing, I think, Chinese? But just to make sure, was there a
9 policy to kill Chinese people?

10 [11.05.12]

11 A. I already responded to that question. I did not know about
12 those plans. I was a subordinate and I was not a main leader. <I
13 did not know.>

14 MR. PRESIDENT:

15 Counsel for Nuon Chea, can you inform the Chamber whether you
16 co-ordinated with Khieu Samphan Defence regarding the remaining
17 time?

18 MS. GUISSSE:

19 I can respond, Mr. President. I had indicated to my colleague
20 that I needed 15 to 20 minutes in order to question the civil
21 party, so we should finish before the lunch break.

22 MR. PRESIDENT:

23 Thank you for the information. And Defence Counsel for Nuon Chea,
24 you may continue.

25 BY MR. KOPPE:

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1 Yes, Mr. President, just a few more minutes.

2 Q. Mr. Civil Party were you -- did you know whether there were
3 Chinese advisors to the Revolutionary Army in Democratic
4 Kampuchea between '75 and '79?

5 [11.06.54]

6 MR. SENG SOEUN:

7 A. I can give the same response that I did not know about that
8 because during the regime, I became a handicap soldier.

9 Q. One -- one last thing before I hand over the floor to my
10 colleague. Yesterday, you were asked something about a -- about
11 an alleged slogan saying that there was supposed to be no other
12 race than the Khmer in Democratic Kampuchea. I believe you even
13 said everybody knew about that slogan. Where did you read this;
14 where did you hear this? Well, let -- let me ask you first; did
15 you ever read this in a "Revolutionary Flag" for instance?

16 [11.08.05]

17 A. <It was beyond my knowledge.> I did not know anything about
18 that.

19 Q. So, there was no such slogan "no other race than the Khmer",
20 correct?

21 A. As I have stated, from that time and until now, everything was
22 finished. It's already fortunate for me to survive since I had
23 served the country for a long time and I did not want to know
24 anything about the regime.

25 MR. KOPPE:

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1 Well, I'm not entirely sure that's correct, but I will finish my
2 questions, Mr. Civil Party.

3 Thank you, Mr. President.

4 MR. PRESIDENT:

5 Counsel for Khieu Samphan, you may proceed with your questioning.

6 QUESTIONING BY MS. GUISSÉ:

7 Thank you, Mr. President. Good morning, everyone. Good morning,
8 Mr. Civil Party. My name is Anta Guisse. I am a Co-International
9 Lawyer representing Mr. Khieu Samphan and it is in this capacity
10 that I will ask you a few <additional> questions. I will be quite
11 brief.

12 [11.09.48]

13 Q. I would like to <briefly> return to a few things that you said
14 regarding your role in <organizing> marriages. I had understood
15 that you said yesterday a bit after 9 o'clock 55 minutes 52
16 seconds and <you said,> I quote -- the question that was asked of
17 you was how you <organized the> marriages and you said:

18 "I simply followed the orders given by the district chief who
19 wanted me to proceed as follows. I needed to gather the
20 biographies of the men and women in the mobile units and then
21 decide who should be married to whom. I simply followed the
22 instruction of the district committee; it was not my own
23 decision." End quote.

24 My first question in this regard is that I'd like to know, were
25 you simply in charge of <organizing> marriages among those

1 working in the mobile units and the women's units or did you also
2 arrange marriages for those in the communes and villages?

3 [11.11.22]

4 MR. SENG SOEUN:

5 A. I received a work assignment from the district committee for
6 members of mobile units who reached the age of marriage. The
7 district secretary instructed me to bring list of names from both
8 male and female mobile units and match them and later on, he made
9 such an announcement during the marriage ceremony.

10 Q. Perhaps my question wasn't very clear, I had understood this
11 point. My question was to know if you only dealt with marriages
12 in the mobile unit or if you also dealt with that issue in the
13 communes and <co-operatives>.

14 A. For the two wedding ceremonies, I was responsible for only the
15 <district> mobile units, but I was not responsible for all <the
16 marriages in> other communes within the district of S'ang.

17 [11.12.50]

18 Q. So if I understand correctly, at the commune <level>, and I
19 will reread what you said the 29th of August at approximately
20 11.13 in the morning, you indicated that it was the commune
21 chiefs who were responsible for <organizing> marriages in their
22 co-operatives and in the co-operatives in their commune. Did I
23 understand correctly that at this level, it was the commune
24 chiefs who were responsible for <organizing> marriages and that
25 you, as district committee, you were not involved in that; did I

1 correctly understand?

2 A. Yes, that is true.

3 Q. I'm asking you these clarifications because we heard from a
4 district chief from Baray, Tep Poch [2-TCW-850]; this was on the
5 hearing of the <22th> of August <last>, and he indicated the
6 following concerning the role of the district committee
7 <regarding> marriages saying that -- this was a bit before
8 03.16.42 <pm>:

9 "The head of the <co-operative> chief made the proposal and then
10 it was the district who made the decision and the decision was
11 handed down in writing." End quote.

12 So my question is: I'd like to know, as far as your district <of
13 S'ang> is concerned, did the commune chiefs, those who were in
14 charge of the co-operatives, come with proposals that you then
15 needed to decide on, or did you have nothing to do with what
16 <happened in> the communes and villages?

17 [11.15.32]

18 A. At that time, the authority was vested with each commune and
19 that they had to select and marry those youths belonging to their
20 respective communes. At the district or its surrounding areas,
21 there were male and female mobile units and members of those
22 mobile units were organized to get married at the district office
23 of S'ang and that I attended such wedding ceremonies for -- on
24 two occasions.

25 Q. All right then, I understand from your answer that the

1 communes were independent and they organized marriages as they
2 understood they should at the level of their commune and
3 co-operative.

4 So now I'm going to ask questions more specifically about the
5 process, about what happened at the district level. You indicated
6 that it was you, in your role as deputy chief of the district
7 <committee>, looked at the lists and arranged the marriages. My
8 question is when you were given these lists, did you have
9 requests that had been proposed by the heads of the mobile units?
10 When you were given a list did they say to you, this person asked
11 if they could marry that person, etc. and did you take into
12 account these requests if they were presented to you?

13 [11.17.43]

14 A. The two mobile units, that is, the male and female mobile
15 units, according to the plan of the district committee, had to
16 select, let's say, 20 to 30 couples or 25 couples on one
17 particular occasion. Then the respective mobile units would
18 select the numbers and submitted those names to Phon (phonetic)
19 and Phon (phonetic) would assigned me to match those people based
20 on where they lived and their age range and that the men had to
21 be three to five years older than the women and that's what I
22 did.

23 [11.18.43]

24 Q. And <in> the context of this procedure, at one time or
25 another, did you make sure that the future spouses agreed or was

1 it only on the day of the ceremony that you received this
2 agreement from the future spouses?

3 A. I never said that. After the wedding ceremonies, those people
4 were taken to communes by the commune chiefs.

5 Q. Perhaps there was a problem in the interpretation. My question
6 was -- I will phrase it differently. When you spoke of the
7 marriage ceremony, when you said that it was <Phon> (phonetic)
8 who indicated to the future spouses that if there were people who
9 didn't want to get married to each other, they could tell us and
10 leave. My question is; was there another time, other than the day
11 of the ceremony, that you, as a deputy chief of the district
12 committee, did you take any particular measures in order to find
13 out if the future spouses agreed to the marriage or not? Or was
14 it up to the head of the mobile unit, or did this only happen the
15 day of the ceremony?

16 [11.20.38]

17 A. From my understanding of your question and based on my
18 previous response, Phon (phonetic) made the announcement about
19 the couples. He said that those couples from both sides, male and
20 female side, if any of them disliked one another, they could
21 stand up and walked away. He gave them such right. <I did not
22 mention about any measure.>

23 Q. All right then. My question -- I -- what I understand from
24 your answer rather, is that on the day of the ceremony <was the
25 only time> when the <question of agreement came up>. You, as

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1 deputy chief of district, you did not get any such information
2 before the day of the ceremony; is that what I should understand
3 from your answer?

4 [11.22.05]

5 A. Nobody knew about that. Those men and women also did not know
6 anything about that and only on the day of the ceremony, they
7 were called by their respective chief -- unit's chief to attend
8 the wedding ceremony.

9 Q. So, I want to be certain that I understand correctly, you,
10 yourself, <did not contact --> you took the decision, but you had
11 not taken any particular measures to inform the people before the
12 ceremony, nor to have their agreement before the ceremony; that
13 was not part of the work that you carried out?

14 (Short pause)

15 [11.23.17]

16 BY MS. GUISSÉ:

17 Q. I have not heard an answer to my question. I thought I heard
18 "bat" in Khmer; can you -- can you confirm what I just said
19 because we -- we didn't receive any interpretation into French.

20 A. My response was yes, that is true.

21 [11.23.48]

22 Q. I would like to come back very briefly to a passage of your
23 DC-Cam statement that the Co-Prosecutor read to you yesterday. I
24 would like to reread it so that you can truly understand the
25 spirit of it. Of course, understanding that I will be posing a

1 different question than the Prosecution, Mr. President, I'm
2 referring to E3/5643; ERN in French, 00756607; ERN in English,
3 00753864; and in Khmer, the ERN is 00059360 and it continues onto
4 the next page and in French that also continues onto the next
5 page. So I will be asking you questions to find out if the
6 reports were sent higher up to the upper echelons. And you said,
7 "There were no reports."
8 And the next question that was asked to you is, "Were the reports
9 not sent to the Central Committee?"
10 And your response was:
11 "No, it didn't even go to the level of the commune. These people
12 <were treacherous>, when they hated someone, when they <were
13 angry with someone, when they held a grudge against> someone,
14 then they tried to change the truth. There was society, but the
15 law existed only on paper. It was complete anarchy. Everything
16 depended on the individuals who held the power, so this was the
17 village and commune chiefs. They could do whatever they wished.
18 No one was monitoring them. No one had any control over them.
19 They did not hesitate to make reports in order to justify having
20 killed one person or another, classifying them as enemies or
21 <being> one thing or another." End quote.
22 [11.26.09]
23 When the Co-Prosecutor spoke to you about this passage, you said
24 you were speaking from your experience and what you had lived
25 through. So my question is: For example, in S'ang district, where

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1 you were a deputy chief of the district committee, did you have
2 any examples of a village chief or commune chief who altered the
3 truth and committed abuses of power by wrongly accusing people of
4 having been enemies? And if you remember, do you remember of the
5 villages or communes in those examples?

6 A. No, I did not come across such an incident.

7 Q. You say that you did not have any such incidents; however,
8 when you were interviewed by DC-Cam, these were your words, so
9 therefore, my question is: On what basis did you make these
10 statements?

11 [11.27.42]

12 A. The work or that kind of event happened throughout the country
13 under the regime of Democratic Kampuchea and everybody --
14 everybody spoke about it.

15 Q. All right then, when you say everyone was talking about it,
16 can you tell us at what time you heard about it and do you have
17 any examples from the district where you worked?

18 A. I did not know concretely about the matter because it was word
19 of mouth and my recollection is not that clear. That's all I can
20 say.

21 Q. A while ago, responding to my colleague from the Nuon Chea
22 team, you spoke of <the example of> Cheam, saying that you
23 proceeded to arrest him because he had made a certain number of
24 false accusations towards people who had not done anything wrong.
25 Is this an example of abuse of power such as you speak of when

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1 you spoke to DC-Cam or are you also thinking of something else?

2 [11.29.37]

3 A. What I said was that I and San (phonetic) were instructed by
4 Phon (phonetic) to arrest the prison chief and the reason was
5 that he falsified the confessions and that was the reason for his
6 arrest. He simply made up a report about the confessions, so the
7 term here -- the proper term here is that he falsified the report
8 and the confessions.

9 Q. I know that we're coming close to the break; last question,
10 Mr. President.

11 I'm putting these questions to you because this is not the only
12 segment in which you indicated this. In your DC-Cam statement,
13 there's another passage I would like you to <explain>, so it's in
14 the same document, E3/5643; French, ERN 00756650; English,
15 00753899; and Khmer, 00059406.

16 And the question that was put to you is the following -- and they
17 were speaking about the ECCC.

18 "So this Tribunal is only trying the senior leaders, so do you
19 believe only the senior leaders should be tried or also people
20 from the lower ranks?"

21 And your answer was the following, "I would like people from the
22 lower ranks to be tried. I believe that this would be better,
23 indeed" -- and it is this particular part in the sentence I'd
24 like to focus on -- "it was they who altered and ruined the Party
25 line." End of quote.

55

1 So can you explain to the Chamber what you mean by, "it is they
2 who altered and ruined the <Party> line"?

3 [11.32.01]

4 A. I cannot recall whether I made that statement. People -- I
5 heard this from other people who said the same thing, that is,
6 from the times that I started my service in 1970, I heard people
7 speaking about this<, "The higher ranks did not know, only the
8 lower ranks did."> But I, myself, did not have any great
9 knowledge about it.

10 Q. You are speaking to me about 1970, and I'm speaking to you
11 about events that took place between '75 and '79. So could you
12 specify if you heard, between '75 and '79, people tell you that
13 the Party line had been altered and that what was applied at the
14 local level did not correspond to the policy that had been set by
15 the Party; did you ever hear about that?

16 A. I heard of the words starting from 17 April 1975.

17 [11.33.40]

18 MS. GUISSÉ:

19 I believe my time is up, Mr. President, so I will stop here
20 unless the Chamber allows -- gives me five extra minutes when we
21 resume after lunch so that I might try to obtain more clarity.

22 MR. PRESIDENT:

23 Counsel, you may have five minutes from now.

24 BY MS. GUISSÉ:

25 Thank you.

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1 Q. Civil Party, you have just told us -- well, this is what I
2 heard in French, in any case -- that after 17 April 1975, you
3 heard other words. So the answer is not very clear to me<, at
4 least in French>, so could you please be more specific?

5 My question was: Did you hear people criticize the way <people
6 implemented the> Party policy, and this is still connected to
7 your DC-Cam statement, which I read out to you earlier?

8 A. It's not the -- from my -- my imagination, but <it caused by>
9 the lower cadres <who> arrested people and killed <them>. <Even
10 the chief of a group or village had the right to kill people. In
11 that regime, the upper cadres were like blind people.> But I did
12 not say that seriously, it was simply a -- an informal chatting
13 among us; it was just a -- just a joke, a -- a simple informal
14 chatting.

15 [11.36.03]

16 Q. That's kind of a funny joke, but with whom would you <have had
17 this casual chat>?

18 A. No, I cannot recall whom -- with whom I chatted. We talked
19 about that under the influence of alcohol. <I cannot recall at
20 whom.>

21 MS. GUISSÉ:

22 I will stop here, Mr. President.

23 [11.36.41]

24 MR. PRESIDENT:

25 Thank you, Counsel.

1 Mr. Seng Soeun, as a civil party in this Chamber, you may make a
2 victim's impact statement concerning the crimes which are alleged
3 against the two accused, Nuon Chea and Khieu Samphan, and harms
4 inflicting upon you during Democratic Kampuchea regime from 17
5 April 1975 to 6 January 1979, And other harms that cause on you;
6 mainly the physical, material, and mental injuries, as direct
7 consequences of those crimes and those resulted in your civil --
8 civil party application to claim collective and moral reparation
9 for -- for those crimes.

10 And you may proceed if you have any of those to -- to present and
11 you may also pose questions to the two accused through the
12 Chamber.

13 [11.38.03]

14 MR. SENG SOEUNG:

15 I do not have much to say, but I would like to request to the
16 Chamber that my life has suffered a lot from 1970 to now. I
17 served the nation and I sacrificed for the nation. I became a
18 handicap soldier. My relatives were killed and those suffering
19 was beyond words to describe. I, myself, as a handicap person,
20 suffered a lot. I do not know the -- the words that I should use
21 to describe about this situation, about the experiences I
22 encountered in my life. <I would like to request the Chamber to
23 find justice for me.>

24 [11.39.03]

25 MR. PRESIDENT:

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1 Thank you, Mr. Civil Party. The testimony -- the hearing of the
2 testimony of Mr. Seng Soeun now came to an end.
3 Mr. Seng Soeun, the hearing of your testimony as a civil party is
4 now concluded. Your presence in this courtroom is no longer
5 required and therefore, you may be excused. The Chamber wishes
6 you all the best.
7 Court Officer, in collaboration with WESU, please make necessary
8 transport arrangement to send Mr. Seng Soeun to his home.
9 And the Court will resume in the afternoon and in the afternoon
10 session, the Court will hear the testimony of <2-TCCP-281 (sic)>.
11 Security personnel are instructed to bring Khieu -- Khieu Samphan
12 to the holding cell downstairs and bring him back to the
13 courtroom at 1.30.
14 The Court is now in recess.
15 (Court recesses from 1140H to 1328H)
16 MR. PRESIDENT:
17 Please be seated. The Chamber is now back in session.
18 Court Officer, please invite 2-TCCP-286 and Madam Sun Solida,
19 staff of TPO, into the courtroom.
20 (Civil party enters courtroom)
21 [13.29.55]
22 QUESTIONING BY THE PRESIDENT:
23 Q. Good afternoon, Madam Civil Party. What is your name?
24 MS. CHEA DIEB:
25 A. My name is Chea Dieb.

1 Q. What is your date of birth?

2 Please wait until the tip of the microphone turn red.

3 A. I was born on the 7th of April 1954.

4 Q. Where was your birth place?

5 A. I was born in Prammat Dei village, Chamkar Leu district,
6 Kampong Cham province.

7 Q. What is your current address?

8 A. The same place.

9 Q. What is your current occupation?

10 A. I am a rice farmer.

11 (Short pause)

12 [13.31.53]

13 Q. What are the names of your parents?

14 A. My <father's> name is Ung Chea. My -- my mother's name is Chhe
15 Lay.

16 Q. What is your husband's name and how many children do you have?

17 A. My -- my husband's name is Sa Thoeun. We have four children.

18 Q. Thank you, Miss -- Madam Civil Party. The Chamber invite you

19 to testify in this courtroom today in your capacity as a civil

20 party in the proceeding in front of the Chamber; therefore, at

21 the end of the -- your testimony, you have the right to present

22 the statement of your harms and sufferings. It means that the

23 harms and suffering that were inflicted upon you during DK regime

24 <if you wish to do so>.

25 Madam Civil Party, have you ever testified or provide interviews

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1 with the investigator from the Office of the Co-Investigating
2 Judges and if you have, how many times and where did they happen?

3 A. I met three times and it took place at the ECCC.

4 Q. Before you came to this courtroom, have you already reviewed
5 the documents that you have provided to the investigators in
6 order to -- for you to recall those statements?

7 A. Yes, I have reviewed them already.

8 [13.34.03]

9 Q. Based on your recollection, could you tell the Chamber whether
10 the written -- written record of interviews that you have read
11 were consistent with what you have given to the investigators
12 during your interview?

13 A. Yes, I have reviewed all of them. I reviewed all of them and
14 they were like what I provided.

15 (Short pause)

16 [13.35.15]

17 MR. PRESIDENT:

18 Thank you, Madam.

19 In the testimony -- question session of this civil party, we
20 follow Internal Rule 91bis of the Internal Rule and we give the
21 floor to the Lead Co-Lawyer for civil party to put question first
22 and the combined time for Lead Co-Lawyer for civil party and the
23 Co-Prosecutor are two sessions.

24 MS. GUIRAUD;

25 Thank you, Mr. President, and good afternoon to all of you. It is

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1 our colleague Sin Soworn who's going to put questions this
2 afternoon to the civil party.

3 (Short pause)

4 [13.36.39]

5 MR. PRESIDENT:

6 The floor is given to Counsel Sin Soworn.

7 QUESTIONING BY MS. SIN SOWORN:

8 Thank you, Mr. President. Good afternoon, Mr. President, Your
9 Honour, and parties in the Chamber and good afternoon, Madam
10 Civil Party.

11 My name is Sin Soworn, the counsel from the Legal Defenders
12 Association. <I am also the Lead Co-Lawyer for civil party.> I
13 have a number of questions to put to you and I would like to seek
14 your collaboration to answer those questions.

15 My questions are related to the facts on the marriage during DK
16 regime, but before I ask those questions, I would like to ask you
17 about the background questions.

18 Q. Before 1975, where did you live; I mean your village, commune,
19 and province?

20 [13.37.45]

21 MS. CHEA DIEB:

22 A. Before 1975, in 1974 particularly, I lived with my family
23 members and we were farmers. I lived in Prammat Dei village,
24 Chamkar Leu district, Kampong Cham province.

25 Q. At that time, how many people were there in your family?

1 MR. PRESIDENT:

2 Madam Civil Party, please wait until the microphone -- the tip of
3 the microphone turn red.

4 MS. CHEA DIEB:

5 A. Before 1975, I lived with my parents and my siblings. We were
6 rice farmers.

7 MR. PRESIDENT:

8 Madam Civil Party, please activate your microphone.

9 [13.38.56]

10 BY MS. SIN SOWORN:

11 Q. And after that, do you continue to -- did you continue to live
12 in the same village and commune?

13 MS. CHEA DIEB:

14 A. In 1974, I don't remember the month; I left my family to join
15 the army. I was in the mobile unit of the military.

16 Q. You said that you joined the military and who introduced you
17 to the army; what's the name of that person and what was the
18 occupation of that person?

19 A. I joined the army through Comrade Han and Hean who were the
20 committee of Chamkar Leu district.

21 Q. You joined the army or you joined the mobile unit; could you
22 clarify on this matter? Were you in the female mobile unit or in
23 the military?

24 [13.40.18]

25 A. I was in the mobile unit, but they did not call the mobile

1 unit; they simply called the transport mobile unit that was in
2 charge of transporting <ammunitions to the battlefield and
3 carrying> wounded soldiers from the battlefield <to the rear>,
4 but sometime our forces were also deployed to -- to fight.

5 Q. When you were in the transport mobile unit, how many members
6 of your unit and who was your supervisor; what's the name of that
7 person?

8 A. At my unit, there was a battalion consisting of <more than>
9 300 people and it was divided into smaller units. <Each unit was
10 stationed in different place. There were three separate places.>

11 Q. What was your responsibility and where were you based?

12 MR. PRESIDENT:

13 Madam Civil Party, wait until the microphone is activated.

14 [13.41.41]

15 MS. CHEA DIEB:

16 A. My forces consisted of three <companies> and we were based at
17 three separate places. My force was based <in Ampil Chrum> to the
18 North of Phnom -- Phnom Pros-Phnom Srey<, in Kompong Cham
19 province> and another one was based <in Trean, in the East.
20 Another company was based> along the riverbank. That's what I
21 know.

22 Q. When did you first enter Phnom Penh?

23 A. It was in January, when the attack on Phnom Penh began, but I
24 was based at the outskirts of the city. After the city was seized
25 and then I entered the city.

1 Q. You told the Chamber that you entered Phnom Penh for the first
2 time in January. You were based at the outskirts of the city and
3 what was your responsibility at that time?

4 A. I was at the suburban area of Phnom Penh. I transported
5 ammunitions and transported the dead bodies of soldiers and the
6 wounded -- the wounded soldiers, but I also participated in
7 fighting in <Trapeang Kak and Trapeang Prey> with other
8 combatants.

9 Q. What happened next; what day of month that you actually
10 entered Phnom Penh?

11 A. On the 17 of April, I entered Phnom Penh. On the 17 of April,
12 the combatants entered first and <the female soldiers> entered
13 later.

14 Q. What did you do and where did you stay then?

15 [13.44.05]

16 A. First, I -- when I entered Phnom Penh, I stayed to the <South>
17 of Wat Phnom. I stayed in houses of people <near Wat Phnom>, but
18 those houses were empty. Later on, my force were moved to the
19 South of Calmette Hospital and we stayed there for a while, but I
20 cannot recall how many months and day we're there and later on,
21 my forces -- some of my forces were -- were withdrawn. <Amongst
22 the three companies, some forces> were put to join the <military,
23 my company was sent> to join the commerce, and <another company
24 was sent to Kampong Som, to Srae Ambel. That's all I know.>

25 Q. What about the big company that was put to join with the

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1 commerce; what did you do when you joined that force?

2 A. My <company in Phnom Penh> was in charge of -- of transporting
3 the <war spoils seized> from people's houses.

4 [13.45.11]

5 Q. When you said that you transported <war spoils>, so where did
6 you take those thing from and to where? <What were the war
7 spoils?>

8 A. One day when I collected those <war spoils>, some of my forces
9 transported silver things and those silver things were collected
10 from the royal palace, but I did not went to the royal palace; I
11 simply helped organize those things after they were collected.
12 <We organised those things in a big house in the north of Phsar
13 Chas. It located in the East of Chip Tong factory of the old
14 regime. It was Chip Tong Sandal factory.>

15 And there was a statue collected from a factory and there were
16 many different kind of statues; some of them were full length and
17 they were brought in to store in a house and those were mainly
18 the statue of Apsaras. <That house was full of the statue of
19 Apsaras which made of silver.>

20 Q. When you worked in Phnom Penh, did you ever <meet> the leaders
21 of the regime?

22 A. When I was based in Phnom Penh, I met some leaders. One day
23 Samdech Souphanouvong, who came from Laos to -- to establish
24 embassy in Cambodia, and at that time, I saw Penn Nouth, Ieng
25 Sary, <Ieng Thearith> and other top leaders whom I did not

1 recognize all came to welcome him.

2 Q. Did you ever <meet> Khieu Samphan?

3 [13.47.14]

4 A. Yes, I met Khieu Samphan at Ounalom Pagoda. He came to open a
5 session for the female combatants to study and I met him there
6 once and later on, I met him at the stadium at Borei Keila; it
7 was on the day when Hu Nim, Hou Youn was tried. <I also
8 participated in that event. He was the advisor at that place.>

9 At that time, he called the messengers of Hu Nim, Hou Youn to be
10 interrogated. I did not stay there long and after the messengers
11 gave the answers, I <was sick and sent to> the hospital and that
12 was it; I did not meet him anymore since then. At that time, we
13 addressed him as Om or Uncle.

14 Q. You told the Chamber that you met Khieu Samphan twice, once at
15 the meeting at Ounalom Pagoda. I want to ask you that during the
16 meeting at Ounalom Pagoda, what did he talk about?

17 A. He said that all female cadres needed to work for the state
18 and those with the age above 19 from all ministries needed to be
19 arranged to get married. We should not keep them unmarried.

20 [13.48.56]

21 Q. When he said that male and <female> youths needed to be
22 arranged to get married, did he say that from what age that they
23 should be arranged to get married; did he say that they should be
24 married voluntary -- voluntarily without any force? <Did he
25 mention about this issue?>

1 A. He did not say about whether the marriage was based on love or
2 not, but he just simply said this should be arranged to get -- to
3 get married <for the female youth with the age above 19 and the
4 male youth with the age of 25 years old. He asked all ministries
5 to arrange married for all male and female youths.> We should not
6 kept them all without marriage, only those who were still young
7 should be kept unmarried. <He said that.>

8 Q. When he said that older male and female youths should be
9 arranged to get married, did he explain the reason why they
10 should get married?

11 A. He said that they should be -- get married so that they would
12 produce children to -- and when we -- when they produce children,
13 we will have more forces to defend our territory. <That's what he
14 said.>

15 Q. Now, my question relates to the marriage. When Khieu Samphan
16 mentioned about the marriage of the mature youths, were you also
17 arranged to get married during DK regime?

18 A. <Not long> after he said that, my forces were arranged to get
19 married <during the DK regime>.

20 Q. When were you married?

21 [13.51.10]

22 A. I was married in 1975, but I did not -- I do not remember the
23 <day and> month. <There was nothing to check the date at that
24 time.>

25 Q. Who arranged or matched you up with the man or informed you

1 about the marriage?

2 A. The person who arranged <> my marriage was Phan (phonetic), my
3 immediate supervisor.

4 Q. When your <immediate> supervisor told you to get married, you
5 did not refuse; <or did> you simply follow his or her order?

6 A. When he <> told me <about marriage for the first time, I told
7 my supervisor that I did not want to get married and that he
8 should arrange marriage for the old couples first because> I was
9 still young and I wanted to serve <Angkar.> I could refuse for
10 the first time and the second time I kept on refusing <by giving
11 my supervisor the same answer.> And on the third occasion he
12 instructed me to go to <the Office K6 at> Ou Ruessei market and I
13 went there <>.

14 Over there I was told that because I was the children of Angkar.
15 <If you were with your parents, you had to respect them. If you
16 were the children of Angkar, you had to respect Angkar.

17 Therefore, you> had to follow the advice of Angkar. My refusal
18 for the first time and second time were successful, but for the
19 third time I could not refuse <anymore> so I simply followed the
20 orders from Angkar. <That's all I can tell.>

21 [13.53.11]

22 Q. So you agreed to get married during the third order. Where did
23 the marriage take place? <And When?>

24 A. We were married at Daeum Kor market.

25 Q. When?

1 A. In the morning they started to have a ceremony but the real
2 marching up ceremony was <completed at noon.>

3 Q. Were you aware of the fact that you would be arranged to get
4 married beforehand?

5 A. After the supervisor asked me, I was informed that three days
6 later I would be married. And three days later the marriage
7 ceremony took place.

8 Q. So three days later after you were informed, your marriage
9 ceremony took place. During the three-day period, did you inform
10 your parents or your siblings? Did you consult with your parents
11 and relatives; for example, that Angkar now arranged marriage for
12 me and whether there was any consent from your parents related to
13 your marriage?

14 [13.54.56]

15 A. I never consulted with my parents or siblings because they
16 were living far away from me, although I wanted to ask for
17 permission to visit them but they did not allow me to do so. So I
18 simply followed the order from Angkar.

19 Q. So your parents and siblings did not attend your marriage
20 ceremony. Is that correct?

21 A. My parents and siblings did not attend the ceremony. Only the
22 Angkar people attended it.

23 Q. I want to ask you about you and your husband. Whether both of
24 you knew each other before your marriage. <What did he do? Where
25 did he work? Did you know each other before your marriage?>

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1 A. We never knew each other. We knew each other only on the day
2 that we were matched up. <I did not have any knowledge about him
3 before the wedding.>

4 Q. How many couples were arranged to marry on the same day with
5 yours?

6 [13.56.22]

7 A. There were 12 couples.

8 Q. Did you know the names of those people who were married on the
9 same day with you?

10 A. Among the 12 couples I knew three couples, Sai (phonetic), Tha
11 (phonetic), Sao (phonetic), Vy (phonetic), Chi (phonetic) and
12 Leang (phonetic). I knew only these six people.

13 Q. I want you to clarify on this point. Among the 12 couples who
14 marry on the same day with you, my question is about the female,
15 female side. Were they from the same unit as yours or other
16 units?

17 A. They came from different units. We did not know each other.
18 They came from different locations and all were brought into
19 Daeum Kor market and I don't know which units they came from.

20 Q. I also want you to clarify on a matter related to your
21 <spouse>. Did you know <what he was doing> and <where his place
22 was>?

23 MR. PRESIDENT:

24 Madam Civil Party, please wait until the microphone is activated.

25 [13.58.20]

1 MS. CHEA DIEB:

2 Among the 12 couples, the female sides were also female
3 combatants and the male sides were also male combatants, but the
4 male combatants were all handicapped. Because they could not
5 fight against the enemy any longer, they were brought in to get
6 married. Some of them lost legs, some lost <one arm>; some had
7 one eye blind. <Many of them could not walk properly.> All were
8 handicapped soldiers.

9 BY MS. SIN SOWORN:

10 Q. You said that all the males who were brought in to marry were
11 handicapped soldiers. So was your spouse also a handicapped
12 person?

13 [13.59.18]

14 MS. CHEA DIEB:

15 A. My spouse had a problem with his legs. <He did not lose any
16 legs. But> he could not walk properly.

17 Q. I also want you to explain us clearly about the marriage
18 ceremony. How was the ceremony conducted <in the Khmer Rouge
19 regime>?

20 A. During the marriage ceremony, <first> they paired us up
21 because we did not know each other. We knew each other only after
22 we heard the announcements of our names and then the Angkar
23 advised us to follow Angkar orders. And then each of the couples
24 had to make the commitment to their marriage and we had to make
25 commitments in front of the symbols of the Angkar that was the

1 sickle and the rice. <There were no parents or relatives in that
2 ceremony.>

3 Q. You said that each couple has to make a resolution and what
4 were you told to say?

5 A. Angkar gave us instructions to follow and simply adhere to the
6 disciplines of Angkar, to love one another and to strive to work
7 hard to build the country.

8 Q. Who actually presented the process of the resolution?

9 A. I did not know who actually made the presentation. I saw those
10 comrade "bongs", - but I did not know from -- as to which
11 Angkar they represented.

12 Q. The 12 couples who were married at the same time, in
13 particular your couple, how old were they and how old were you?
14 [14.02.17]

15 A. I was 19 and my husband was 26. As for other couples they were
16 of similar ages.

17 Q. You said your husband was a disabled person and what about the
18 12 men of the 12 couples? Did they have the right to select this
19 woman or that man or could you exchange them as the people that
20 were there?

21 A. Amongst the 12 couples we did not have a choice to select our
22 partner. It was Angkar who assigned us to this person or that
23 person. <We were not allowed to choose.>

24 Q. And after you stood up and made your resolution where were the
25 12 couples sent to rest?

1 A. After the marriage we were divided into groups. In my group,
2 there were three couples and I could not say about the other
3 couples in the other groups.

4 [14.04.01]

5 Q. And regarding the three couples in your group where did you
6 stay that night?

7 A. The three couples went to rest at Tuol Tumpung market. That is
8 the place where I worked.

9 Q. Can you tell the Chamber about the events that unfolded that
10 night, that is, on the very night that you got married, what
11 happened to you?

12 A. When I went to rest at Tuol Tumpung market, one person told me
13 that I should be careful because we were under monitor.

14 There were three -- the three couples stayed in three separate
15 rooms in one house and at nighttime I tried to listen and then I
16 could hear the footsteps. And they actually went up the ladder to
17 try to listen to us. <I kept listening to their footsteps.> They
18 were the militiamen <who monitored us.>

19 And they went up a staircase and they became quiet. <They stayed
20 there for a while and then they went down.> We ourselves did not
21 dare to make any sound.

22 Q. Also, during the first night of the day that you made your
23 resolution did you consent to consummate the marriage with your
24 husband?

25 A. No, I did not consummate with my husband since I was afraid of

1 both the militiamen and my husband. I did not dare to make any
2 sound.

3 [14.06.10]

4 Q. After you made your resolution, how long or how many days did
5 you remain living with your husband?

6 A. After the marriage we were allowed to rest at our workplace
7 and we stayed there for three days. Then my husband and their
8 husbands were sent to their respective workplace and I went to my
9 workplace. That applied to all couples.

10 Q. And when did you consent to have sexual intercourse or to
11 consummate the marriage for the first time with your husband?

12 A. We were allowed to meet every 10 to 15 days. So when we met
13 then that was the time that I consummated the marriage.

14 [14.07.17]

15 Q. For the first time that you consummate the marriage, that is,
16 about a fortnight after your marriage, can you tell the Chamber
17 whose choice was it to consummate the marriage? Was it your
18 husband's or was it <both>?

19 A. It was his choice.

20 Q. Let me backtrack a little bit. You said that after you made
21 the resolution on that very first night you knew that militiamen
22 came to monitor you. And in the case that one of the 12 couples
23 who didn't agree to stay together what would happen to them or
24 were you aware of such incident?

25 A. If the militia found out that a couple didn't agree to stay

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1 with one another they put the persons or the couples would be
2 called for re-education or refashion.

3 Q. You stated that a fortnight after you met with your husband
4 again. What happened in the following months? How frequent did
5 you meet with your husband?

6 [14.09.19]

7 A. During the regime, and it was not only for me but for everyone
8 else, the quickest was a week that we could meet and sometimes if
9 my husband was employed to work far then we would meet in a month
10 or two. At one stage he was sent to work at Kirirum mountain in
11 order to find vegetables for his unit and I met him like once
12 every one or two <months.>

13 Q. You said that you did not like the marriage <so> you were
14 forced to <get married. How did you feel?>

15 MR. PRESIDENT:

16 Counsel for Khieu Samphan, you have the floor.

17 MR. KONG SAM ONN:

18 Thank you, Mr. President. I object to this question that she was
19 forced. So far, Madam Civil Party has not testified to that fact.
20 She said that she refused the proposal for two times and she
21 consented to the third proposal. Thank you.

22 [14.11.02]

23 MS. SIN SOWORN:

24 I asked that question to the civil party that she was forced to
25 get married because she says that for the first and the second

1 time she refused the marriage and for the third time she refused.
2 But her refusal was denied. For that reason she had no choice but
3 to go along with the instruction because her refusal was denied.
4 And she also said that she did not agree to marry her husband and
5 for that reason she did not consummate the marriage on the night
6 of the marriage and that she was forced to get married.

7 MR. PRESIDENT:

8 Counsel, please try to follow the facts and don't try to ask any
9 hypothetical questions.

10 BY MS. SIN SOWORN:

11 Thank you, Mr. President.

12 Q. And Madam Civil Party, allow me to move on. You said you and
13 your husband did not love one another and did not even know one
14 another beforehand. Can you tell the Chamber of your -- of how
15 you felt in the future, whether you would continue that
16 relationship with your husband or that you would separate from
17 him?

18 [14.12.28]

19 MS. CHEA DIEB:

20 A. I did not like my husband but I had -- I did not know what to
21 do. Of course, I suffered because Angkar forced me to get
22 married. But since we got married I did not know where else to
23 go, where I would flee to. There was nowhere for me to go. So I
24 had to go along. That's the best I can describe.

25 Q. You were a transporter, a leading transporter for the Party

1 and that the Party organized the marriage for you. Were you happy
2 with the marriage or you felt sad and unhappy after Angkar
3 organized such marriage for you?

4 A. As I have stated, I did not like it and I did not want to be a
5 married woman, but Angkar organized it for me. What else can I
6 do? So I had to follow along since I could not refuse it. I had
7 no other choice.

8 [14.14.05]

9 Q. Can you tell the Chamber whether you were happy when you were
10 organized to marry your husband?

11 A. When Angkar organized the marriages I was not happy and <I had
12 only> tears -- actually I wept almost every day. I felt the pain
13 but I could not do anything.

14 Q. You said that you did not like your husband and that you wept
15 almost every day before you got even married. And when you were
16 instructed to make a resolution that day was the process similar
17 to the traditional procession of marriage that is happening
18 almost every day here in Cambodia?

19 A. I already said there were no <traditional> procession of
20 prayer or blessing. We were called -- our names were called out
21 to match up with the male side. Then Angkar gave us some
22 instructions and then we had to salute the Party's flag. That's
23 basically the process. It lasted for less than an hour.

24 [14.15.48]

25 Q. I'd like you to make a comparison between making a resolution,

1 that is, the marriage ceremony under the Khmer Rouge regime to
2 the traditional way that it was held before the Khmer Rouge
3 regime and the one that is being practiced in Cambodia.

4 A. If you compare the marriage took place under the Khmer Rouge
5 to the previous practice before and after the Khmer Rouge regime,
6 it is absolutely different. During the Khmer Rouge we were
7 matched up in five or 10 couples each time <or sometimes there
8 were 100 couples each time>, but at present it is very different.
9 Only a couple is celebrated the marriage during one ceremony and
10 they are surrounded by their relatives, parents and grandparents
11 who all bless them. <There are traditional procession and
12 blessing.>

13 And if you compare to what happened under the Khmer Rouge it's
14 like you compare the earth to the sky. Of course I felt upset
15 when I thought of the way that I was married to the current
16 practice. <I am upset with my destiny.>

17 [14.17.12]

18 Q. Regarding your physical and emotional suffering for the loss
19 of your family members and your property, can you tell the
20 Chamber, when you think of the way that you made a resolution and
21 that you had to consummate the marriage with the husband that you
22 did not like, what is your emotion?

23 A. Every time I think of what happened that I did not like my
24 husband, that I was organized to marry him by Angkar, I feel the
25 pain in my chest. <I could not find the right words to describe

1 the pain.>

2 Q. During the regime of three years and eight months, did you
3 lose any of your family members or relatives or loved ones?

4 A. As for the losses, I lost everything. I joined the revolution
5 in order to defend the rear battlefield but when I was at the
6 front battlefield, I lost my relatives, family members at the
7 rear battlefield. I felt the pain for such losses. I still feel
8 the pain now.

9 Q. You said you lost your family members and relatives and that
10 you feel the pain for such losses. Can you tell the Chamber how
11 many family members or relatives that you lost during the regime?

12 A. Personally, I lost four siblings. Then I lost my nieces and
13 nephews and there were about 15 of them. I lost my uncles and
14 great uncles and there were about 10 of them. For that reason I
15 suffered too much. I feel the pain for such losses and every time
16 I think of it I weep wherever I go. I would weep when I think of
17 what happened to me.

18 [14.20.00]

19 Q. In addition to your personal pain, how did you feel when you
20 learned that your family members, relatives and loved ones lost
21 their lives unjustly?

22 A. The loss of family members and relatives give me much pain and
23 I only depend on this Chamber to give me the solution to such
24 losses <and suffering>.

25 Q. And during the Democratic Kampuchea regime, did you lose any

1 of your personal property or belongings, for example your land or
2 your house or your cattle?

3 A. Since the regime, I <have felt so much> pain <> because when I
4 returned to my village I lost everything. I lost my house, land,
5 cattle, family members and relatives. Only the pain <and
6 suffering> remain with me.

7 [14.21.53]

8 Q. What gives you the most pain and suffering and that you cannot
9 forget it? Can you tell the Chamber?

10 A. I can never forget for the loss of my siblings, parents,
11 family members and relatives. I feel the most pain for the loss
12 of my younger brother who <witnessed a couple> committing a moral
13 offence. He was hung upside down <and pushed> against <the
14 tamarin> tree. He was beaten and his body became black<, his face
15 was hit with rubber shoes> and later on he was thrown into a
16 well, although I did not know which well he was thrown in. And
17 that was the most pain that remained with me. <I really feel pity
18 of my younger brother.>

19 Then, again, <I am upset with> the losses of my other siblings
20 and family members.

21 However, it is vividly in my memory, that is, for the loss of my
22 innocent younger brother. <I am extremely upset. Before they
23 killed him, he was brutally tortured. What kind of mistake did he
24 commit? He did nothing wrong.>

25 Q. Can you tell the Chamber how you're coping at the present or

1 how have you been coping after the fall of the Khmer Rouge regime
2 in 1979, since you testified you lost everything. You lost your
3 land, your house. How have you been coping?

4 [14.24.15]

5 A. After the losses of my family members, relatives and personal
6 property, house, land, rice fields, I have to look after and take
7 care of my <parents,> two younger siblings and <my family, my
8 children>. We started in the most miserable way. We had nothing
9 to work in the rice field. Everything was done out of pure
10 labour. And I myself have not been that well physically even at
11 present. And as I said, the pain remains with me until the day I
12 die.

13 Q. Concerning your health, after the fall of the Khmer Rouge
14 regime how have you been coping with your health?

15 A. After the fall of the Khmer Rouge regime I found it very
16 difficult to survive as we did not have any equipment to use to
17 work in the rice field. We did not have money to buy anything. I
18 became unhealthy and I became emaciated and I never feel happy.
19 Even at the moment I do not feel happy. As I said, the pain will
20 remain with me until I die. That is the result of the suffering
21 from the regime.

22 [14.26.25]

23 MS. SIN SOWORN:

24 And Mr. President, I am done.

25 And thank you, Madam Civil Party.

1 MR. PRESIDENT:

2 Thank you, lawyer for civil parties.

3 And I'd like now to hand the floor to the Co-Prosecutors.

4 QUESTIONING BY MR. DE WILDE D'ESTMAEL:

5 Thank you, Mr. President. Good afternoon, Mr. President and Your
6 Honours. Good afternoon, all the parties.

7 Q. Madam Civil Party, I will continue putting questions to you up
8 to the break time at 2.40 <PM>. I will start by asking you to
9 tell the Chamber about what happened from 1974 to 1975.

10 You stated a while ago that you were engaged in the revolution.

11 During that period or thereafter, were you a member of the
12 revolutionary youth wing of the Party?

13 [14.27.54]

14 MS CHEA DIEB:

15 A. I do not understand when you say that whether I was a member
16 of the youth league.

17 Q. Yes, the Kampuchea Communist Party included both <the members
18 themselves and the youth members>, that is, those who were not
19 married. So the youths who were not married could be members of
20 that Communist movement. Was that your case or not?

21 A. I still don't understand the youth league. When I joined the
22 revolution I was a part of the female combatant unit and I was in
23 the transportation to carry the wounded at the battlefield. I
24 carried the wounded, the dead and the ammunition. <But I do not
25 understand the youth league that you mentioned.>

1 [14.29.16]

2 Q. Fine. Did your unit have any kind of code name? For example,
3 you spoke about the battalion of 300 people earlier. Did this
4 battalion have a name, and if so in which battalion were you, in
5 which division, in which regiment?

6 A. When I first joined it was Battalion 401, but I did not know
7 which regiment it belonged to because there was only one female
8 battalion and mostly <combatants> were <> males.

9 Q. You said that between '74 and '75 you worked to the north of
10 Phnom Penh. Were you stationed closed to Oudong?

11 A. I started working from Oudong, Kampong Luong and moved towards
12 Phnom Penh. <From the 1st of January, I started working in
13 Oudong, Kampong Luong until> we entered Phnom Penh on 17 April.

14 Q. In 1974, do you remember what happened at Oudong? Was Oudong
15 captured by the Khmer Rouge forces? Do you remember that or not?

16 A. I cannot recall it, because I arrived in the area in early
17 1975. I arrived in late 1974 or early 1975 <from Oudong, Kampong
18 Luong to Phnom Penh>.

19 Q. And during that first year before the capture of Phnom Penh on
20 17 April 1975, did you ever have a chance <to meet> leaders from
21 the CPK, that is to say, high-ranking Khmer Rouge leaders?

22 A. I never met them at the battlefields. At the battlefields I
23 met only the commanders and deputy commanders of the division,
24 but I did not meet the senior leaders. <I never knew them
25 either.>

1 [14.32.23]

2 Q. Thank you. Now, I'd like to turn to the period that followed
3 the capture of Phnom Penh. You said that you gathered war spoils,
4 in particular silver objects. In which unit of the Ministry of
5 Commerce were you part of, and do you know as well who was the
6 Minister of Commerce back then?

7 A. At that time I was based in charge of the war spoils unit and
8 we collected everything.

9 MR. PRESIDENT:

10 Madam Civil Party, please hold on.

11 MS. GUISSÉ:

12 Yes, Mr. President, thank you. This is more than an objection. In
13 fact I am requesting clarification to make sure that we are
14 speaking about the same thing. In French I did not hear "Ministry
15 of Commerce" <from the Civil Party>. I heard "commerce group" and
16 since we heard people often speaking about the commerce group
17 before this Chamber, maybe before <assuming> that we are speaking
18 about the Ministry of Commerce, perhaps we should ask for
19 clarification to make sure there is no extrapolation or
20 confusion.

21 BY MR. DE WILDE D'ESTMAEL:

22 Q. Fine. So your unit which was in charge of the war spoils, did
23 it depend on the Ministry of Commerce or on another higher rank,
24 such as the state warehouses or another entity?

25 MS. GUISSÉ:

1 I would like to object to the way that the Co-Prosecutor is
2 putting the question. It's again a multiple choice question.
3 Maybe he could put the question in a broader way? In that case
4 I'll have no objection, rather than feeding the Civil Party with
5 leads that do not come directly from the Civil Party.

6 [14.34.40]

7 BY MR. DE WILDE D'ESTMAEL:

8 Mr. President, if I may answer, it is the Civil Party herself who
9 said that part of her unit had been incorporated into part of a
10 commerce unit.

11 Q. So Madam Civil Party, could you please specify this? This is
12 what I heard earlier. Do you confirm this or can you tell us on
13 which higher echelon the war spoils <unit you were part of,>
14 depended on?

15 MS. CHEA DIEB:

16 A. I said already that my unit consisted of 300 personnel. One
17 <company was sent to military. Another company was> moved to
18 Kampong Som and my unit was moved to join with the commerce and
19 Uncle Thuch was in charge of the commerce. His house was also
20 close to the war spoils unit, the place where the silver items
21 were stored<, near the Chip Tong Sandal factory>. I collected
22 silver items and placed them in a house at the east of his
23 house.> I would like to clarify that I was part of the Ministry
24 of Commerce.

25 Uncle Thuch, alias Koy Thuon, he had two names.

1 [14.36.15]

2 Q. Fine. Maybe a point of clarification regarding your marriage,
3 when you got married were you still part of that war spoils unit
4 under the leadership of the Ministry of Commerce or had you
5 already been relocated to the textile unit in Ou Ruessei?

6 A. When I was married I was with the Ministry of Commerce and
7 after my marriage I was moved to the textile <manufacturing> unit
8 at Ou Ruessei market.

9 Q. Did this textile unit <at the Ou Ruessei market> depend on the
10 Ministry of Commerce or of another ministry or of another <upper
11 echelon>?

12 A. The sewing place was also under the commerce ministry <with
13 the war spoils group. We were under one supervisor.> Uncle Khoun
14 was the supervisor at Ou Ruessei market. He was in charge of both
15 the war spoils unit and the sewing unit at Ou Ruessei market.

16 Q. Do you know what happened to Uncle Khuon who led both of these
17 units during the regime?

18 A. I did not know. I did not know what happened to him.

19 MR. PRESIDENT:

20 Thank you. It is now a convenient time for a break. The Chamber
21 will take a 20-minute break. The Court is now in recess.

22 (Court recesses from 1438H to 1457H)

23 MR. PRESIDENT:

24 Please be seated.

25 Co-Prosecutor, you may resume your questioning.

1 BY MR. DE WILDE D'ESTMAEL:

2 Thank you, Mr. President.

3 Q. Madam Civil Party, did you ever hear of the office known as
4 S-71? Does that code name ring a bell to you?

5 [14.58.33]

6 MS. CHEA DIEP:

7 A. I myself never heard of that. I did not hear of S-71, even
8 S-21. I never heard of it.

9 Q. A while ago, you talked of a meeting with Khieu Samphan in
10 Phnom Penh. In fact, you talked of two meetings. Your first was
11 at Wat Ounalom and the second, I believe <you said> was at the
12 stadium. Let us start with the second meeting when you saw him.
13 Can you tell us exactly when that meeting took place and under
14 what circumstances?

15 <Because> you spoke quite fast a while ago and we were <maybe>
16 not able to grasp those details. Can you tell us when you saw
17 Khieu Samphan the second time, where, <when,> and what he said?

18 A. The first time I met Khieu Samphan was at Ounalom pagoda when
19 a conference was held for the male and female youths. The second
20 time I met him at the Borei Keila stadium and not the Olympic
21 stadium. That was the occasion where Hu Nim and Hou Youn were put
22 on trial. <I met him twice.>

23 Q. And who was at the stadium at the time? Was there a crowd
24 there, was the entire unit there and what year is that?

25 A. It happened in 1975, although I did not know which day and

1 month. I attended that meeting at Borei Keila stadium. I saw Om
2 Khieu Samphan on the podium and there were many people from
3 various units who attended the meeting. There were those from
4 various zones, <the west zones>, the north and other zones. <A
5 few of them from each zone> were selected to attend that occasion
6 where Hu Nim and Hou Youn were put on trial <at Borei Keila
7 stadium. Then I felt sick and I was sent to the hospital. I did
8 not know what happened after that.>

9 [15.01.24]

10 Q. Very well. We will talk about the first meeting now. Can you
11 confirm whether that meeting at the <Wat> Ounalom <took place>
12 before the meeting at the stadium where you saw Khieu Samphan?
13 <Still in 1975, but before the other one.>

14 A. Yes, I met him at Wat Ounalom or Ounalom pagoda and that
15 happened before I met him at the Borei Keila stadium.

16 Q. I did not hear the interpretation of what you said. Could you
17 please, Madam Civil Party, repeat your answer?

18 MR. PRESIDENT:

19 Civil Party, please repeat your answer since the Deputy
20 Co-Prosecutor did not hear the French interpretation.

21 [15.02.50]

22 MS. CHEA DIEB:

23 I met him for the first time at Borei Keila stadium and that
24 happened in 1975, and I made a mistake earlier. And the second
25 time that I met him was at the Ounalom pagoda when he chaired a

1 conference for male and female youths that day and the conference
2 lasted for the whole day.

3 BY MR. DE WILDE D'ESTMAEL:

4 Q. Did Khieu Samphan remain at <Wat> Ounalom for the whole day?

5 A. Yes, he gave instructions for the whole day.

6 Q. A while ago you said that he told the assembly that all women
7 who were cadres had to work for the state and that those who were
8 above 19 and who were from <all the> other ministries had to get
9 married. Did I properly understand your statement? Were those the
10 terms that Khieu Samphan used?

11 A. At that time that's what he said. He said that the age range
12 was between 19 to 25 and that they should get married and the
13 younger ones should not get married.

14 [15.04.52]

15 Q. You also said a while ago, if I am not mistaken, that Khieu
16 Samphan stated that you had to get married. <In> any case those
17 aged <over> 19<, at least for women,> had to get married in order
18 to <produce> children and to <increase the forces> to defend the
19 territory. Did I properly understand you that that is what he
20 said during that meeting at <Wat> Ounalom?

21 A. Yes, I am not mistaken. That's what he said, the age range was
22 between 19 to 25 or the 30 to 35 and that they should all get
23 married and only the younger ones should not be -- get married.

24 Q. From what you said regarding what Khieu Samphan said that the
25 purpose of getting married beg was to <produce> children?

1 A. <I don't know, however, that's> what he said and not only him
2 who said that. During all meetings that I attended they talked
3 about the same thing, all cadres raised the same point during the
4 study sessions or meetings.

5 [15.06.55]

6 Q. During the same meeting, did Khieu Samphan broach other
7 subjects other than that of marriage? I am thinking, for
8 instance, of the importance of the work that you were assigned to
9 do <or> the <discipline> that had to be observed, did he talk
10 about such subjects?

11 A. Before Khieu Samphan spoke about marriage, he spoke about
12 leading male and female youths to strive to work hard for the
13 Party and the State and that we should not violate the
14 disciplines or regulations and they spoke about the policies of
15 Angkar. These were the main points that he raised.

16 Q. Was discipline within the Party strictly observed, and can you
17 give me examples of instructions that were given to you on a
18 daily basis? What did such discipline consist of exactly?

19 A. During the Khmer Rouge regime, the discipline was very strict
20 and we were not allowed to engage in any moral affairs. If such
21 moral offence happened, maybe only a small amount or a small
22 number happened, and they could take measures against or to
23 prevent such occurrence.

24 Q. By acts of moral misconduct, do you mean that sexual
25 intercourse <or a romantic relationship> with a man was forbidden

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1 strictly <if you were a woman>? If not, can you be more specific,
2 please?

3 [15.09.18]

4 MR. PRESIDENT:

5 Civil party, please hold on.

6 And counsel for Khieu Samphan, you have the floor.

7 MS. GUISSSE:

8 Yes, thank you, Mr. President. My objection is the same as the
9 previous one. The Co-Prosecutor is proposing answers to his
10 questions. I do not object to broad questions but if he inserts
11 in questions, answers, <and that is what is happening, so> I
12 would object to such questions and the manner in which they are
13 being asked.

14 BY MR. DE WILDE D'ESTMAEL:

15 I see that all parties before this Chamber are very conscious of
16 this <but> I will rephrase my question.

17 Q. Can you be more specific when you talk of acts of moral
18 misconduct? What does that pertain to exactly?

19 [15.10.18]

20 MS. CHEA DIEB:

21 I meant when I said about morality issues is that even amongst
22 the soldiers or amongst those people working at the commerce
23 unit, we had to respect their title and names, <males> referred to
24 <females> as comrades and females should refer to male combatants
25 or male civilians as "pou" or "uncle" and this is part of the

1 morality principle. And if a man or a woman fell in love with one
2 another without permission then the persons would be separated.
3 However later on if they observed that they behaved <well> then
4 the marriage would be organized for them. However, usually such a
5 wedding ceremony was held at night <only, even for just only for
6 one couple, for the people who had moral misconduct>.

7 Q. Did Khieu Samphan talk to you about the enemy during the
8 meetings you had with him particularly at <Wat> Ounalom? Did he
9 tell you who <were> the enemies of the revolution?

10 A. No, I did not hear him say anything about that.

11 [15.12.05]

12 Q. Did you hear of an objective to attain 15 to 20 million
13 inhabitants in Cambodia within a very short timeframe?

14 A. No, I did not hear that. <I did not know that.>

15 Q. During that meeting at <Wat> Ounalom, did Khieu Samphan
16 justify why women aged 19 and above had to get married? According
17 to you, wasn't it somewhat early to get married at the age of 19?

18 A. Personally, I think the <marriage at the> age <of 19> was <too
19 young>, but I cannot say about other people. For me, I considered
20 myself as young when I was 19 years old.

21 [15.13.40]

22 Q. Apart from saying that women age 19 and above had to get
23 married in order to make children and to increase the forces of
24 Democratic Kampuchea, <to> defend territory, did Khieu Samphan
25 also talk of the conception of the revolutionary family compared

1 to the situation before or as opposed to the situation that had
2 come before?

3 A. No, he did not mention anything about that. Even I don't
4 understand the word that you used, that is, "the revolutionary
5 family".

6 Q. In other words, whether it was Khieu Samphan or another cadre
7 saying so, did you hear anyone during the Democratic Kampuchea
8 regime say that relations between children and parents, brothers
9 and sisters, could not remain the same as they had been before
10 the Khmer Rouge regime?

11 A. I don't get your question. Are you talking about the
12 disconnection from your family tie?

13 Q. <Yes.> During the Democratic Kampuchea regime, was it
14 necessary to remain detached from one's parents?

15 A. Yes, he spoke about that, and usually people who chaired
16 meetings spoke about that as well, that we should not have any
17 feelings toward our parents and that we should detach ourselves
18 from our parents and we should focus on our work. And I did not
19 know whether the upper level spoke about that as well because I
20 rarely met them.

21 [15.16.17]

22 Q. Was having strong feelings for parents or family members
23 incompatible with collectivism or, in other words, was it
24 necessary to be detached from private property? Did you hear
25 anyone talk about that?

1 A. As for the parents and siblings, we were completely detached
2 from one another, and we did not have any -- much personal
3 belonging. Everywhere we went, we would only have a small sack
4 with us and if we have any bulky items, then we would be certain
5 the item confiscated and that happened at my place.

6 Q. Were you never told during the regime that you were no longer
7 the children of your parents but the children of Angkar?

8 [15.17.42]

9 A. As I have stated, that's what Angkar said, that we were with
10 Angkar and Angkar -- we were under the supervision of Angkar, and
11 that we should not look for the parents because Angkar was the
12 parents.

13 And during subsequent meetings and study sessions, the same
14 message was reiterated, that we were under the supervision of
15 Angkar and Angkar was our parents.

16 Q. Did it mean that you had to accept all of Angkar's decisions?

17 A. Yes, we had to respect all instructions from Angkar. If not,
18 then we could not survive, as in my case, I could not survive
19 until today.

20 Q. Regarding marriages and in light of what you said a while ago
21 regarding your marriage, I'll read out to you an extract of an
22 official document of Democratic Kampuchea to see whether its
23 contents ring a bell to you or corresponds to what you
24 experience.

25 And this is document E3/775. It is a supplement that was

1 reprinted in June 1975, an excerpt of the magazine "Revolutionary
2 Youth" dated February 1974, and the title of the document is as
3 follows:

4 [15.19.38]

5 "<Revolutionary and Non-Revolutionary World Views Regarding the
6 Matter of Family Building>."

7 And the extract I'm reading in Khmer has the ERN number, 00407100
8 and 01; in English, <00417943>; in French, 00593930.

9 And in this extract, they are talking about the manner in which
10 young men and women have to choose their partners. Point Number 2
11 states as follows:

12 "You must respect Angkar's discipline at all cost. In this
13 problem of founding families, regardless of the manner in which
14 Angkar and the collectivity examines and decides, you must at all
15 costs respect it. You must not be disappointed, you must not
16 challenge what he says. In fact, only Angkar and the collectivity
17 <are> capable of examining the problem thoroughly and from every
18 standpoint." End of quote.

19 In this extract, it is said that Angkar's decision and the
20 collectivity's decision has to be respected as regards the choice
21 of a partner. Is this something that you were also told?

22 [15.21.38]

23 A. The content of the document is consistent with what I
24 experienced during the regime. We had to respect the opinion of
25 the collective and that could not be changed.

1 Q. A while ago, you said that you refused twice to get married
2 and that on the third occasion you were ordered to go to Ou
3 Ruessei market.

4 How much time elapsed between the first time you were asked to
5 get married and the third time you were told to do so and that
6 you had to accept?

7 A. The first time I refused when I made it before the chief of
8 the area I lived and about three or four days later, I was asked
9 again, and a few days later <the chief said that he would not ask
10 me> again.

11 And then the chief sent me to meet with an uncle in the office,
12 but I did not meet with Om, the chief, and I met with his deputy.
13 And the same message was relayed to me so I had no choice. Then I
14 said <that since I could no longer refuse, I> decided to marry
15 whoever crippled person that was assigned to me.

16 [15.23.29]

17 Q. You said that you went to Ou Ruessei market and that you did
18 not meet the uncle there. Did you also have to meet the chief of
19 the textile unit who was also the chief of the war <spoils> unit
20 called Khuon; <were you supposed to see him>?

21 A. I was told to meet with Uncle Khuon but he was not there, so I
22 met with Monh (phonetic) and Chhum (phonetic) and the two uncles
23 only -- not only spoke to me but he also spoke to other <two or
24 three women>. I was asked first and later on I left and I didn't
25 stay there to listen to what they spoke to other women. I only

1 met these two uncles.

2 Q. At the time when those two uncles talked to you about that
3 problem, was it obvious to you that you did not have a choice to
4 refuse again to get married?

5 [15.25.05]

6 A. Yes. I sensed that I had no choice because I made my refusal
7 for this -- for two or three times and for that time I did not
8 dare to refuse.

9 Q. And what consequences did you <fear> at the time, if you were
10 to refuse once more to get married? Did <these uncles> explain to
11 you what would happen to you if you refused to get married?

12 A. When I arrived, the two uncles did not threaten me. They spoke
13 nice words and they said that not only I who was to get married,
14 other cadres were to get married as well. They spoke quite a lot
15 but I cannot recall everything, and I knew that since I could not
16 refuse then, I had to abide by Angkar's instructions.

17 Q. Given the strict discipline to which you were subjected on a
18 daily basis, did you think at the time that persistent refusal
19 could put you in danger?

20 A. After I made several refusals, I were thinking about that
21 because other people seem not to -- seems not to refuse. So, for
22 that reason, I did not dare to refuse since I was afraid that I
23 would be accused of something. For the first time I was accused
24 of having a fiance and later on I was accused of having another
25 boyfriend at the ministry and I told them that since Angkar had

1 as many eyes as pineapples they could do that investigation. <I
2 told them, "If I have a moral misconduct, Angkar can do whatever
3 they want to me.">

4 So after I made these number of refusals, the chief did not say
5 anything and sent me to <Ou Reussei market to meet the senior
6 chief. When I arrived,> I met with the two uncles. They spoke
7 nice words and I knew that I could not make any further refusal,
8 so I would abide by Angkar.

9 [15.27.51]

10 Q. I would like us to go back to the marriage ceremony and the
11 commitment that you had to make as a couple, a couple that was
12 created on the spot.

13 This is what you said in your civil party application, E3/5010,
14 and the page in French is, 01212920; in Khmer, 01003331; and in
15 English, 01312791. And I quote what is stated in that civil party
16 application form, which is yours.

17 "In that process, there were no ceremonies nor the presence of
18 parents nor any relatives. They merely told us to stand up and to
19 make a commitment, one couple after the other, that <we would>
20 love one another, that'll we <would> endeavour to work for
21 Angkar, and that we would not betray Angkar. And, lastly, to
22 <produce> children for Angkar." End of quote.

23 [15.29.20]

24 Did that commitment to love one another, to endeavour to work for
25 Angkar and not to betray Angkar and to <produce> children for

1 Angkar, something that the person who presided over the ceremony
2 asked you to repeat, that each couple had to repeat?

3 A. Yes, after the marriage, each couple had to stand up and make
4 a commitment. However, not every couple has to go because it
5 would take more time, so only two or three couples were allowed
6 to stand up and make the commitment and, later on, the ceremony
7 was concluded.

8 Q. So does this mean that these two-to-three couples somehow
9 represented the commitment of the 12 other couples to work for
10 Angkar and to respect Angkar and to <produce> children for
11 Angkar?

12 A. Yes, two or three couples represented the 12 couples.

13 Q. You said that it was also necessary to commit oneself not to
14 betray Angkar. What did you know about this word or about this
15 idea of <betrayal of Angkar>? Who was considered a traitor under
16 the DK regime?

17 [15.31.13]

18 A. I do not know about the meaning or scope of the word
19 "treason". I only heard -- the word was used. While I was in
20 Phnom Penh, I did not know about the arrest or execution. <I
21 never heard of it.> I only heard about the transfer or
22 relocations of cadre after one cadre was transferred and then
23 another one was put in charge. <When I was in the city, I was not
24 aware of that.>

25 Q. During this wedding ceremony, were you clearly told or were

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1 you suggested, since you were supposed to bear children, were you
2 told that you had to consummate your marriage quickly? Did
3 someone talk to you about this during that ceremony?

4 MR. PRESIDENT:

5 Madam Civil Party, please wait until your microphone is
6 activated.

7 [15.32.37]

8 MS. CHEA DIEB:

9 During the marriage ceremony, the leaders also talked about such
10 aspects that <we should try to work hard for Angkar and not to
11 make Angkar feel sad. After we get married,> we should love each
12 other and we should build happiness for our marriage couples and
13 we should <not> produce <many> children <as we had to help Angkar
14 as much as possible. He> did not talk much, but <he> briefly
15 talked on these aspects <because the time was short.>

16 MR. DE WILDE D'ESTMAEL:

17 Q. You said that during the three first nights you were being
18 monitored when you were sleeping with your husband and that you
19 remained quiet.

20 So why on the fourth night did you accept to consummate your
21 marriage? Which elements drove you to do so?

22 MS. CHEA DIEB:

23 A. The first night, second night and third night, we stay with
24 each other for three days and during the three day we were
25 monitored. We were afraid of each -- we were afraid of them,

Corrected transcript: Text occurring between less than (<) and greater than (>) signs has been corrected to ensure consistency among the three language versions of the transcript. The corrections are based on the audio recordings in the source language and may differ from verbatim interpretation in the relay and target languages.

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1 therefore, we kept silent. And after the three days, we were
2 separated and then about a week or 10 days later, we were allowed
3 to meet each other. <Then I consummated with my husband.> I did
4 not remember the exact date.

5 [15.34.23]

6 Q. Did you have an opportunity to speak to your husband and to
7 see if he was also afraid of refusing this marriage or not? Did
8 he share with you his <feelings,> because he <also> did not know
9 you before he married you?

10 A. I never asked him about that. We were shy of each other. I did
11 not ask him and he did not ask me either.

12 Q. Earlier, you said that if the militiamen discovered that a
13 couple <or one person from a couple> refused to consummate the
14 marriage, the couple would be sent to re-education <to be
15 tempered>. Was this the case for one or several of the 12 couples
16 that got married at the same time as you? <Did> some not
17 consummate the marriage and then <find themselves> sent for
18 re-education?

19 [15.35.46]

20 A. Among the 12 couples, I did not know about the others. I knew
21 only about the three couples who stayed with me and one couple
22 did not get along well with each other, but because under
23 constant monitoring they kept silent. <The husband did not love
24 the woman.>

25 <He> was an ethnic minority and the wife was an ethnic Khmer.

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1 Both of them did not get along with each. And then a while later,
2 the wife reported to Angkar and then the husband was called
3 to be re-educated on one or two occasions.
4 And the man said that he did not love the woman<>. And, later on,
5 Angkar called him for re-education again and then he said that
6 his manhood did not work. And the Angkar called in a medic to
7 test his manhood whether it worked or not. And after several --
8 after several education, the husband agreed to stay with the wife
9 and both of them stayed with each other and the wife got pregnant
10 and she delivered a baby boy and, later on, the wife died. <The
11 husband worked in the transportation unit, while the wife was in
12 textile unit. After the wife passed away,>
13 the child was given to the chief of the unit of the husband.
14 <The husband said that there was no one to look after the baby
15 because he was very busy with work.> and the chief of the
16 transportation unit was female. I don't know whether she was the
17 wife of a cadre or not.
18 And that was the only case I knew. For other cases of couples, I
19 was not aware of <other couples because they stayed far away from
20 us.>
21 [15.37.42]
22 Q. In your civil party application, E3/5010, at Khmer, page
23 01003331 and the same page as I mentioned earlier; English,
24 01312791; French, 01212920; and you said:
25 "I forced myself to consummate my marriage because this was the

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1 only way to save my life."

2 Was that what you felt back then? Were you so afraid, <that> you
3 <feared> for your life if you did not consummate your marriage?

4 A. Yes, I was fearful. The reason was that I was forced several
5 times, so I had to follow the order. I could not anticipate what
6 would happen if I kept on refusing.

7 Q. Did you become pregnant under the Khmer Rouge regime or
8 afterwards?

9 [15.39.30]

10 A. During Khmer Rouge regime, I was not pregnant. Only when I
11 arrive in my homeland that I became pregnant. I was not pregnant
12 during Khmer Rouge regime.

13 Q. Earlier, you said on several occasions that it was necessary
14 to get married to bear as many children as possible, and you also
15 said that sometimes you would only see your husband once a month
16 or once every two months.

17 Didn't you find that strange? On the one hand, you had to bear
18 children for Angkar and, on the other hand, you didn't have many
19 opportunities to see your husband or to live like a normal
20 couple.

21 A. Yes, but I don't know what to do.

22 Q. Did you ever hear about other marriages involving some of your
23 colleagues who were aged between <19> and 25, whether it be in
24 the unit where you would gather war spoils or, later on, at Ou
25 Ruessei, was there a succession of marriages or were marriages

1 only organized once?

2 A. Yes, there were the case of the couple that I mentioned
3 earlier, <he was also> 26 <years old> and there were also
4 marriages of the <people> who were old, who were <30, 35, 40 or
5 older for men and women were 30 or older>. Only the marriage
6 ceremony of my -- of -- at my time were the couple mostly young.
7 <The new couples were old.>

8 [15.41.52]

9 Q. You spoke about the working conditions at the Phsar Ou
10 Ruessei, the Ou Ruessei market, in your supplementary information
11 form, which you provided to the Chamber, E3/1350a; French, page
12 01030100; Khmer, 01003331; and English, 01137888; and you said
13 the following:

14 "In the middle of that year, that was 1976, they transferred me
15 to the textile unit at Phsar Ou Reussei and I had to assemble
16 black clothes. I was obliged to assemble 100 skirts and <12>
17 shirts per day. Some of the women could not meet that quota.
18 Others would faint <or collapse> since they were so exhausted and
19 so hungry." End of quote.

20 So given this exhaustion, among your colleagues were some
21 suffering from amenorrhea, that is to say, that they wouldn't
22 menstruate?

23 [15.43.24]

24 A. Among the females, many of them had <hemorrhoids> when they
25 were forced to work hard <in the sewing unit>. One day Pol Pot

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1 came to the sewing unit and he stood in front of me. He asked me,
2 could you survive on one bread a day? I told him that, no, we
3 could not survive on one bread a day. It's different from the
4 males. And we did not have enough food to eat. We ate -- sometime
5 we ate morning glory cooked in soup and that was what I told him
6 and he left and then the next day he ordered us to be given two
7 breads a day. <Before that, we were given one bread a day, half
8 in the morning and the other half in the evening.> And that was
9 the time when I met Uncle Pol Pot and he asked me that question.

10 Q. So your working conditions were <apparently> terrible and you
11 were underfed. You spoke about fatigue and hunger. But weren't
12 you part of the elite of the regime because you were in Phnom
13 Penh and you were a worker? Were you told <if> you were part of
14 the elite?

15 A. No, I was not told that. We did work collectively.

16 Q. Now, I'd like to turn to another topic. You spoke about the
17 textile unit at Ou Reussei, when did you leave that unit to go
18 work somewhere else and why were you transferred elsewhere?

19 [15.46.02]

20 A. In February 1978, I was removed from Phnom Penh. At the
21 beginning, only the husbands were transferred away <to build
22 houses for Angkar> and then in the afternoon the wives were also
23 removed. They were told that they would be taken away to join
24 with their husbands.

25 The husbands were transferred to put at Kantuot stream, and when

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1 I arrived at Stung Kantuot or Kantuot stream, I saw them and I
2 also saw the Chinese.
3 Some of the elder Chinese men had long moustache, and I asked
4 them where they were sent from. They told me that they came from
5 a factory <in Phnom Penh>. They were working in the factory prior
6 to the Khmer Rouge regime. And when the Khmer Rouge came to
7 power, those Chinese men were kept there. <I was told that after
8 the Chinese transferred the skills to Khmer Rouge, the Chinese
9 were removed. That's what I learned from the people in Stung
10 Kantuot. I stayed there for a week. But there was nothing to do.>
11 And when I arrived there, I was asked why I was transferred from
12 Phnom Penh. I was put in -- I was put in a room where it
13 contained cuffs and some torture equipment and the interrogator
14 asked me, you know why I was removed from Phnom Penh and I said
15 that I did not know and he told me that because I was connected
16 to the network of the leaders of previous regime. <That was what
17 they recorded in their document. They said that when the senior
18 leaders were arrested, the subordinates were also arrested.>
19 I stayed there for a <week> and then I was removed to Voat Slaeng
20 where I was assigned to <work in the rice field,> dig canal and
21 build dyke.
22 [15.48.08]
23 Q. One question regarding this. Were you accused of having ties
24 with the Lon Nol <leadership> network or rather with the leaders
25 of the North Zone, <like> Koy Thuon alias Thuch, whom you spoke

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1 about earlier?

2 A. I did not know. They only said that I was connected to the
3 leaders, and it was not only me alone, all the people who were
4 transported there by <two> vehicles were alleged of that kind of
5 connection. <We did know anything.>

6 Q. Well, in your supplementary information form, E3/5010.a; <I
7 think> it's on the same pages in French, 01030101; English,
8 01137888; Khmer, 01003332. It's rather hard to read the Khmer
9 version, it's practically illegible, but you said that the Khmer
10 Rouge transferred you close to Chaom Chau to Chrey Dom pagoda
11 before being sent to Pich Nil. And you added that this pagoda was
12 under the personal control of Khieu Samphan.
13 So what did you have to do when you were there? And what was this
14 Chrey Dom pagoda used for?

15 [15.50.13]

16 MR. PRESIDENT:

17 The floor is given to the Defence Counsel for Khieu Samphan.

18 Madam Civil Party, please hold on.

19 You may have the floor, Defence Dounsle for Khieu Samphan.

20 MR. SENG LEANG:

21 I would like to clarify that, in fact, that the pagoda name is
22 Chrey Thum (phonetic) -- <Chrey Dom>.

23 [15.50.42]

24 MS. GUISSÉ:

25 Yes, a small remark here, in order to provide the entire quote

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1 because this quote <given by my colleague> is incomplete here.

2 The civil party apparently said, according to the supplementary

3 information form, that the pagoda was under Khieu Samphan's

4 <control> but the civil party said, "That is what I heard, at

5 least". So I think it's important to add this specification<, to

6 have a complete question.>

7 BY MR. DE WILDE D'ESTMAEL:

8 Yes, of course.

9 Q. But, as an introduction, what did you have to do when you were

10 there and what was the Chrey Thum (phonetic) pagoda close to

11 Chaom Chau used for back then?

12 [15.51.39]

13 MS. CHEA DIEB:

14 A. When I was transferred to Kantuot stream and then seven days

15 later I was transferred to Voat Slaeng and the chief of Voat

16 Slaeng unit was arrested and I was removed and put into the

17 <cooperative> in Baek Chan. It was under Samraong Tong district.

18 I was there for a while and then while we were over there, our

19 forces were separated into different villages. Three or four of

20 us were put in one village and members of our unit kept on

21 disappearing and we felt fearful, so we escaped from Samraong

22 Tong to Chrey Dom pagoda.

23 I never met Khieu Samphan personally there but I heard that Chrey

24 Dom pagoda was under the supervision of Khieu Samphan. I was

25 there for a <month> and I never saw him there. <> I saw only the

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1 subordinates who were doing rice farming there. <I never saw him
2 there.>

3 [15.52.54]

4 Q. Aside from rice farming, was there anything else that you had
5 to do when you were there? Did you produce anything in particular
6 at Chrey Thum (phonetic) pagoda aside from rice?

7 A. At Chrey Dom pagoda during the dry season we build dyke and
8 reservoir, and during rainy season we transplanted rice. <I
9 stayed there for the rainy season>, I was then removed to Pich
10 Nil Mountain. Some of us were removed to Pich Nil Mountain to
11 <clear the forest>.

12 Q. Do you know why people said that Khieu Samphan supervised that
13 place personally?

14 A. One day on the New Year day, I was allowed to go for a walk
15 and there were many people from Phnom Penh who were based at
16 Chrey Dom pagoda. When I went to that pagoda, I told about the
17 hardship at my cooperative and those people told me to escape
18 from my cooperative.

19 So, I escaped from my cooperative in Samraong Tong district to
20 Chrey Dom pagoda and people told me that the pagoda was under the
21 direct supervision of Khieu Samphan. But while I was there I
22 never met him.

23 And at that place, no-one there could enter the compound even the
24 authority from the <cooperative or> district.

25 Q. When you were at that pagoda, did some of your colleagues

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1 disappear?

2 A. I stayed at the pagoda for about a month. There was no
3 disappearance of people. And the chief of the pagoda had one arm
4 amputated.

5 [15.55.58]

6 Q. My last question. You spoke earlier about Pol Pot's visit to
7 your textile unit. Was he accompanied by other leaders on that
8 day? Did he come possibly with foreigners, and did you also see
9 other senior leaders on other occasions visit this Ou Reussei
10 textile confection unit?

11 So, several questions in one. First of all, was Pol Pot
12 accompanied by other leaders from the Party or by foreign
13 delegations? And on other occasions, did other leaders, aside
14 from Pol Pot, come visit this textile unit?

15 A. I met Pol Pot only one time. I saw only him and his
16 bodyguards. He walked from the east and when he reached my place
17 he asked -- he came in to ask me and then he continued his
18 walking. I did not see any <foreigners or> people accompany him
19 beside his bodyguards.

20 Q. And how did you get to know that this was Pol Pot?

21 MR. PRESIDENT:

22 Madam Civil Party, please wait until your microphone is
23 activated.

24 [15.57.52]

25 MS. CHEA DIEB:

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1 Although I did not know him before, I was familiar with him
2 because I saw him on a documentary movie when he went to visit <>
3 Korea and the documentary film was shown to us. I met him only
4 once.

5 BY MR. DE WILDE D'ESTMAEL:

6 Q. And to finish -- and I apologize for putting another question
7 to you -- I'd like to put <the same type of> question to you
8 regarding Khieu Samphan. You saw him twice. You said that you saw
9 him during two meetings. So how did you then get to know that
10 this was Khieu Samphan? <Did he introduce himself>; did somebody
11 <else> mention his name? <Was it something you were told or did
12 you just guess that?

13 MS. CHEA DIEB:

14 A. They told us that he was Khieu Samphan but I, myself, was -- I
15 felt that I was familiar with his face. And when I saw him, I
16 knew that he was Khieu Samphan. At that time, he had a small
17 build. He was thin and <in the Khmer Rouge regime> he wore <black
18 pants and> black <short sleeve shirt>.

19 MR. DE WILDE D'ESTMAEL:

20 Thank you, Civil Party, for your answers.

21 We have no further questions, Mr. President.

22 [15.59.48]

23 MR. PRESIDENT:

24 Thank you, Deputy Co-Prosecutor.

25 It is now convenient time for the adjournment.

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1 The Chamber will resume its hearing tomorrow, 31 August 2016, at
2 9 a.m.

3 Madam Civil Party, the hearing of your testimony as a civil party
4 has not yet concluded. You are, therefore, invited to come back
5 tomorrow.

6 Tomorrow's hearing, the Chamber continues to hear the testimony
7 of Madam Chea Dieb and we will hear the testimony of <witness
8 2-TCW-914>.

9 Court Officer, in collaboration with WESU, please make necessary
10 arrangements for Madam Civil Party to the place where she is
11 staying.

12 And, security personnel are instructed to bring Khieu Samphan and
13 Nuon Chea back to the detention facility and have them return to
14 the courtroom tomorrow morning before 9 a.m.

15 The Court is now adjourned.

16 (Court adjourns at 1600H)

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